

## **EXHIBIT E**

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

Page 1

[1]  
[2] UNITED STATES DISTRICT COURT  
[3] SOUTHERN DISTRICT OF NEW YORK  
[4] \_\_\_\_\_X  
[5] MICHAEL STEPSKI, KIRSTEN  
[6] STEPSKI, wife, GEAL RODERICK and  
[7] BENJAMIN SCHOBBER,  
[8] Plaintiffs,  
[9] INDEX NO.  
[10] vs. 06 CV 01694  
[11] The M/V NORASIA ALYA, her  
[12] owners, operators, etc., and MS  
[13] "ALENA" SCHIFFAHRSGESELLSCHAFT  
[14] mbH & KG, PETER DOEHLE  
[15] SCHIFFAHRSGES.,  
[16] Defendants.  
[17] \_\_\_\_\_X  
[18] DEPOSITION OF BENJAMIN SCHOBBER  
[19] THURSDAY, MARCH 29, 2007  
[20]  
[21]  
[22]  
[23]  
[24]  
[25]

Page 2

[1] Deposition of BENJAMIN SCHOBBER taken in the  
[2] above-entitled matter before Mark Iuzzolino, a  
[3] Certified Shorthand Reporter (License No. X101103)  
[4] and Notary Public, taken at the offices of BLANK &  
[5] ROME, LLP, The Chrysler Building, 405 Lexington  
[6] Avenue, New York, New York, on THURSDAY, MARCH 29,  
[7] 2007, commencing at 10:18 a.m.  
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Page 3

[1]  
[2] APPEARANCES:  
[3]  
[4] THOMAS H. HEALEY, ESQ  
[5] 17 Battery Place, Suite 605  
[6] New York, New York 10004  
[7] 212-943-3520  
[8] BY: THOMAS H. HEALEY, ESQ.  
[9] Attorney for the Plaintiffs  
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[11] BLANK & ROME, LLP  
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[13] 405 Lexington Avenue  
[14] New York, New York 10174  
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[16] BY: ALAN M. WEIGEL, ESQ  
[17] Attorney for the Defendants  
[18]  
[19] FREEHILL, HOGAN & MAHAR, LLP  
[20] 80 Pine Street  
[21] New York, New York 10005  
[22] 212-425-1900  
[23] BY: MICHAEL E. UNGER, ESQ.  
[24] Attorney for the Defendants as co-counsel  
[25]

Page 4

[1]  
[2] **BENJAMIN SCHOBBER**  
[3] 42 Dydo Drive, Uncasville, CT 06382, having been  
[4] first duly sworn, was examined and testified as  
[5] follows:  
[6]  
[7] **DIRECT EXAMINATION**  
[8] **BY MR. WEIGEL:**  
[9] **Q:** Mr. Schober, will you please state your  
[10] full name for the record?  
[11] **A:** Benjamin Schober.  
[12] **Q:** And spell your last name.  
[13] **A:** S-c-h-o-b-e-r.  
[14] **Q:** And what is your home address, please?  
[15] **A:** 42 Dydo Drive, Uncasville, Connecticut.  
[16] **Q:** How long have you lived there?  
[17] **A:** About three years.  
[18] **Q:** Where did you live prior to that?  
[19] **A:** Norwich.  
[20] **Q:** Where in Norwich?  
[21] **A:** Where in Norwich? Sherman Street.  
[22] **Q:** Sherman Street?  
[23] **A:** Yes.  
[24] **Q:** Are you currently married?  
[25] **A:** No.

**BENJAMIN SCHOBBER**  
**March 29, 2007**

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

Page 5

**Benjamin Schober**  
 [1] Q: Do you live alone, or do you live with  
 [2] someone?  
 [3] A: Parents.  
 [4] Q: How old are you?  
 [5] A: Thirty-four.  
 [6] Q: What is your current employment?  
 [7] A: Commercial fisherman.  
 [8] Q: Have you ever testified in a trial or a  
 [9] deposition before?  
 [10] A: No.  
 [11] Q: Even though this is an informal setting,  
 [12] you realize that you're under oath. Correct?  
 [13] A: Yes.  
 [14] Q: And do you understand that your  
 [15] testimony will have the same force and effect as  
 [16] if you were in trial in the courtroom with a judge  
 [17] and a jury present?  
 [18] A: Yes.  
 [19] Q: Now, the court reporter is going to be  
 [20] taking down everything that I say and all of your  
 [21] answers. And unless we agree that we'll go off  
 [22] the record, everything that is said here is  
 [23] recorded. Do you understand that?  
 [24] A: Yes.  
 [25]

Page 6

**Benjamin Schober**  
 [1] Q: Now, because the court reporter is  
 [2] trying to take down all the testimony, there's  
 [3] some ground rules that will make life easier for  
 [4] all of us. Please speak up and answer with a  
 [5] verbal response. You've been doing that pretty  
 [6] well so far, so keep it you up. He can't record a  
 [7] shake of the head or a shrug of the shoulders.  
 [8] A: Right.  
 [9] Q: Now, the reporter can only write down  
 [10] what one person is saying at a time, so please  
 [11] wait until I'm finished asking my question, and I  
 [12] will try to wait until you're finished with your  
 [13] answer before asking another question. Okay? If  
 [14] you do not understand a question that I ask,  
 [15] please don't try to answer it. Instead, tell me  
 [16] you don't understand it, and we'll try and clarify  
 [17] the question. Okay?  
 [18] A: Okay.  
 [19] Q: Now, there is going to be an opportunity  
 [20] for you later to read and correct the transcript  
 [21] of these proceedings. By "transcript," I mean the  
 [22] written verbiage that he's taking down right now.  
 [23] A: Right.  
 [24] Q: But, of course, if you make any  
 [25]

Page 7

**Benjamin Schober**  
 [1] corrections to the transcript later, that gives me  
 [2] the opportunity — if we go to trial and you  
 [3] appear at the trial, I could have the opportunity  
 [4] to ask you, "Well, you gave an answer to me in  
 [5] March, but now you're telling me — but then later  
 [6] you told me that was the wrong answer." So I get  
 [7] a chance to challenge your answers, your changed  
 [8] answers, and it could raise the issue of whether  
 [9] you told the truth or when you're telling the  
 [10] truth, so it's important that we get your most  
 [11] accurate, truthful answer here today.  
 [12] A: Correct.  
 [13] Q: Okay? Are you currently taking any  
 [14] medications?  
 [15] A: No.  
 [16] Q: Are you presently under the influence of  
 [17] any illegal drugs?  
 [18] A: No.  
 [19] Q: Are you under the influence of alcohol?  
 [20] A: No.  
 [21] Q: Have you ever been arrested?  
 [22] A: Yes.  
 [23] Q: Tell me the circumstances.  
 [24] A: DUI.  
 [25]

Page 8

**Benjamin Schober**  
 [1] Q: How many times have you been arrested  
 [2] for DUI?  
 [3] A: Three times.  
 [4] Q: What were the outcomes of each of those  
 [5] arrests?  
 [6] A: Most recently I served a year in jail.  
 [7] Q: That was because of a DUI?  
 [8] A: Yes.  
 [9] Q: How about — is that the most recent DUI  
 [10] arrest?  
 [11] A: Yes.  
 [12] Q: When did that happen?  
 [13] A: November '04.  
 [14] Q: How about the prior two DUIs? When did  
 [15] they occur?  
 [16] A: One was in '97 and, I believe, '95.  
 [17] Q: What happened after the arrest for the  
 [18] 1995 DUI?  
 [19] A: I had 100 community service hours to do,  
 [20] paid a fine, license was suspended.  
 [21] Q: And how about the 1997 DUI?  
 [22] A: Two days in jail. No, I'm sorry. It  
 [23] was ten.  
 [24] Q: Where did you serve your one-year  
 [25]

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBER  
March 29, 2007**

Page 9

**Benjamin Schober**  
 [1] incarceration?  
 [2] **A:** I had three months in a county jail  
 [3] before I was sentenced, and I did three months in  
 [4] the jail in Storrs, Connecticut and three months  
 [5] in a halfway house in Maine.  
 [6] **Q:** Which county were you incarcerated in?  
 [7] **A:** Storrs, I believe, is Windham County.  
 [8] **Q:** No. You said you were in a county jail  
 [9] for three months before trial. Which county was  
 [10] that?  
 [11] **A:** New London.  
 [12] **Q:** Where is that jail located?  
 [13] **A:** Montville.  
 [14] **Q:** Any other arrests besides the three  
 [15] DUIs?  
 [16] **A:** I had a couple of disorderly conducts.  
 [17] That's about it.  
 [18] **Q:** Okay. Tell me about the disorderly  
 [19] conducts. When did they occur?  
 [20] **A:** I don't know the exact years. They  
 [21] were, say, '92, 1993.  
 [22] **Q:** If my math is correct, you graduated  
 [23] high school probably 1991?  
 [24] **A:** Yes.  
 [25]

Page 10

**Benjamin Schober**  
 [1] **Q:** Okay. So these disorderly — disorderly  
 [2] conduct, you said it was?  
 [3] **A:** Yes.  
 [4] **Q:** Did any of these occur while you were in  
 [5] high school?  
 [6] **A:** No, I was not in high school.  
 [7] **Q:** So it was after you graduated from high  
 [8] school?  
 [9] **A:** Right.  
 [10] **Q:** So you said the first one was maybe in  
 [11] 1993?  
 [12] **A:** Correct, '92 or '93.  
 [13] **Q:** And what was the circumstances that you  
 [14] were arrested for disorderly conduct?  
 [15] **A:** I don't remember exactly what it was.  
 [16] It was just fooling around with a friend, and I  
 [17] broke something.  
 [18] **Q:** Had you been drinking when you were —  
 [19] **A:** On one of the arrests, right.  
 [20] **Q:** This is an example where you have to  
 [21] wait for me to finish asking my question before  
 [22] you answer. Okay?  
 [23] During that first disorderly conduct incident  
 [24] that you had in 1993, were you drinking, and was  
 [25]

Page 11

**Benjamin Schober**  
 [1] that — were you drinking during or as part of  
 [2] that incident?  
 [3] **A:** No.  
 [4] **Q:** When other — besides that one, how many  
 [5] other times were you arrested for disorderly  
 [6] conduct?  
 [7] **A:** Once.  
 [8] **Q:** Once. When was that? Do you recall?  
 [9] **A:** It was about a year after the first one.  
 [10] I'm guessing 1993.  
 [11] **Q:** So the first one might have been in '92  
 [12] or '93, and the other one was a year later?  
 [13] **A:** Right.  
 [14] **Q:** And what were the circumstances  
 [15] surrounding the second disorderly conduct arrest?  
 [16] **A:** I was drinking with a friend at a party  
 [17] and was fooling around and got arrested for it.  
 [18] **Q:** So you've been arrested five times in  
 [19] your life. Is that correct?  
 [20] **A:** Right.  
 [21] **Q:** No others, just those five?  
 [22] **A:** There was one other.  
 [23] **Q:** Tell me about that incident.  
 [24] **A:** I was arrested for a fight, third-degree  
 [25]

Page 12

**Benjamin Schober**  
 [1] assault charge in 2000.  
 [2] **Q:** Tell me about that incident.  
 [3] **A:** It was just basic fight. It was nothing  
 [4] major. You know, someone ended up calling the  
 [5] police, and I was arrested for it.  
 [6] **Q:** Where did the fight take place?  
 [7] **A:** Norwich.  
 [8] **Q:** Where specifically in Norwich?  
 [9] **A:** 168 West Main Street.  
 [10] **Q:** Is that a home?  
 [11] **A:** It's an apartment building.  
 [12] **Q:** You were in an apartment building — in  
 [13] an apartment in the apartment building?  
 [14] **A:** Outside.  
 [15] **Q:** Outside the apartment building?  
 [16] **A:** Yes.  
 [17] **Q:** Were you drinking during that incident?  
 [18] **A:** No.  
 [19] **Q:** What was the outcome of that arrest?  
 [20] **A:** It was dismissed. I took some classes  
 [21] for it, and it was dismissed.  
 [22] **Q:** What kind of classes did you take?  
 [23] **A:** Anger management.  
 [24] **Q:** So we have six arrests and three  
 [25]



**BENJAMIN SCHOBER**  
**March 29, 2007**

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

Page 13

*Benjamin Schober*  
 (1) convictions. Is that correct?  
 (2) **A:** Yes.  
 (3) **Q:** Have you ever been arrested for the  
 (4) possession of illegal drugs?  
 (5) **A:** No.  
 (6) **Q:** Did you review any documents in  
 (7) preparing for this deposition today?  
 (8) **A:** No.  
 (9) **Q:** Did you look at any photographs in  
 (10) preparing for this deposition today?  
 (11) **A:** No.  
 (12) **Q:** Since the incident on the Eva Claire  
 (13) until today, have you ever been shown any  
 (14) documents relating to the incident?  
 (15) **A:** Yes.  
 (16) **Q:** Tell me what documents those were.  
 (17) **A:** Copies of the other crew members'  
 (18) depositions.  
 (19) **Q:** So you were shown a transcript that  
 (20) looks something like this?  
 (21) **MR. WEIGEL:** And I'm putting before the  
 (22) witness the deposition transcript of Kristen  
 (23) Stepski.  
 (24) **A:** Yes, something like that. I did not  
 (25)

Page 14

*Benjamin Schober*  
 (1) review Kirsten's, but, yes, just like that.  
 (2) **Q:** Which deposition transcripts did you  
 (3) review?  
 (4) **A:** Mike Stepski's and Jill Roderick's.  
 (5) **Q:** When did you review those?  
 (6) **A:** Couple of months ago.  
 (7) **Q:** Besides the deposition transcripts, are  
 (8) there any other documents that you looked at?  
 (9) **A:** Coast Guard report.  
 (10) **Q:** What part of the Coast Guard report did  
 (11) you look at?  
 (12) **A:** I believe the whole thing.  
 (13) **Q:** So you reviewed — you were handed a  
 (14) stack of documents that you were told were the  
 (15) Coast Guard report, and you read through that  
 (16) Coast Guard report?  
 (17) **A:** Yes.  
 (18) **Q:** Anything else other than the Coast Guard  
 (19) report?  
 (20) **A:** No.  
 (21) **Q:** Since the time of the incident until  
 (22) today, had you ever seen any photographs related  
 (23) in any way to the incident?  
 (24) **A:** Yes.  
 (25)

Page 15

*Benjamin Schober*  
 (1) **Q:** Where did you see those photographs?  
 (2) **A:** They were in with the Coast Guard  
 (3) report.  
 (4) **Q:** So aside from the photographs that were  
 (5) in the Coast Guard report, have you looked at any  
 (6) other photographs?  
 (7) **A:** No.  
 (8) **Q:** Have you ever discussed the appearance  
 (9) of the motor vessel Norasia Alya with anyone?  
 (10) **A:** Yes.  
 (11) **Q:** Who did you discuss that with?  
 (12) **A:** Coast Guard.  
 (13) **Q:** When did you have that discussion with  
 (14) the Coast Guard?  
 (15) **A:** The day of the accident and a couple of  
 (16) days after the date of the accident.  
 (17) **Q:** And how did you know that — did someone  
 (18) tell you that they were discussing the motor  
 (19) vessel Norasia Alya with you?  
 (20) **A:** No.  
 (21) **Q:** Well, how did you know it was the  
 (22) Norasia Alya?  
 (23) **A:** I didn't.  
 (24) **Q:** Well, I just asked you if anyone had  
 (25)

Page 16

*Benjamin Schober*  
 (1) described the Norasia Alya to you, and you said  
 (2) yes, and you said the Coast Guard.  
 (3) **A:** It was not described to me. I was  
 (4) describing it to them.  
 (5) **Q:** What were you describing to them?  
 (6) **A:** The size of the boat, the color of the  
 (7) boat.  
 (8) **Q:** When you say the "boat," what boat are  
 (9) you referring to?  
 (10) **A:** The boat that hit us.  
 (11) **Q:** Oh, okay.  
 (12) Did the Coast Guard show you any photographs  
 (13) when you were discussing —  
 (14) **A:** Yes.  
 (15) **Q:** I know you want to answer, but you have  
 (16) to wait.  
 (17) You talked to the Coast Guard two different  
 (18) times. During both of those times — either of  
 (19) those times did the Coast Guard show you any  
 (20) photographs of any boats?  
 (21) **A:** Yes.  
 (22) **Q:** What photographs did they show you?  
 (23) **A:** They were, I believe, satellite photos  
 (24) of the boat that I was on, pictures of wreckage.  
 (25)

March 29, 2007

Page 17

*Benjamin Schober*

- (1) Q: Pictures of wreckage?
- (2) A: Yes.
- (3) Q: Floating on the surface?
- (4) A: Yes.
- (5) Q: Did you speak to anyone about the
- (6) matters that you were expected to be asked about
- (7) in this deposition today?
- (8) A: No.
- (9) Q: By the way, who showed you the copies of
- (10) the deposition transcripts as you looked at them?
- (11) A: Attorney Healey.
- (12) Q: Tell me about your educational
- (13) background. Where did you attend high school?
- (14) A: I went to Grasso Tech in Groton,
- (15) Connecticut.
- (16) Q: I think we decided you graduated in '91?
- (17) A: Yes, I did.
- (18) Q: After graduating from Grasso Tech, did
- (19) you receive any other education anywhere else?
- (20) A: Yes.
- (21) Q: Where?
- (22) A: Culinary Institute of America.
- (23) Q: When did you go to the Culinary
- (24) Institute of America?
- (25)

Page 18

*Benjamin Schober*

- (1) A: From '91 to '93.
- (2) Q: Which location did you attend classes?
- (3) A: Hyde Park.
- (4) Q: Did you — any other education besides
- (5) the Culinary Institute of America?
- (6) A: No.
- (7) Q: What did you do after you finished —
- (8) did you go right to the Culinary Institute of
- (9) America after graduating from high school?
- (10) A: Yes.
- (11) Q: So what did you do in 1993 after you
- (12) finished the Culinary Institute of America?
- (13) A: I went to work at Foxwoods.
- (14) Q: And what did you do at Foxwoods?
- (15) A: I was a cook.
- (16) Q: How long did you work at Foxwoods?
- (17) A: Six months.
- (18) Q: And what happened after you stopped
- (19) working at Foxwoods?
- (20) A: I went to work at another restaurant.
- (21) Q: Why did you leave Foxwoods?
- (22) A: Because a former boss of mine had opened
- (23) up a restaurant and asked me to come work for him.
- (24) Q: Were you required to get a — as a cook
- (25)

Page 19

*Benjamin Schober*

- (1) at Foxwoods, were you required to — were you one
- (2) of the employees required to get a gaming license?
- (3) A: No.
- (4) Q: What restaurant did you start working
- (5) at?
- (6) A: It was called "Whitfield Alley."
- (7) Q: Where is that located?
- (8) A: It was in Guilford, Connecticut.
- (9) Q: How long did you work there?
- (10) A: About two years.
- (11) Q: What happened after that?
- (12) A: I went to work for another restaurant.
- (13) Q: Which one?
- (14) A: The Lorelei in New London.
- (15) Q: How long did you work there?
- (16) A: About four years.
- (17) Q: And after that?
- (18) A: I went to work for another restaurant.
- (19) Q: Which one?
- (20) A: Norwich Inn and Spa.
- (21) Q: How long?
- (22) MR. HEALEY: Which one?
- (23) MR. WEIGEL: Norwich Inn and Spa.
- (24) Q: How long did you work there?
- (25)

Page 20

*Benjamin Schober*

- (1) A: About nine months.
- (2) Q: Next restaurant, or is there a
- (3) restaurant after this?
- (4) A: Yes.
- (5) Q: Keep going. Keep telling me.
- (6) A: Mohican Sun.
- (7) Q: How long?
- (8) A: One year.
- (9) Q: All right. Let's see if we can just —
- (10) has all your employment since you graduated from
- (11) the Culinary Institute of America until the time
- (12) you became a commercial fisherman been at
- (13) restaurants?
- (14) A: Yes.
- (15) Q: When did you start working as a
- (16) commercial fisherman?
- (17) A: 2004.
- (18) Q: Did you ever get a safe boater
- (19) certificate?
- (20) A: No.
- (21) Q: Do you hold any kind of licenses of any
- (22) kind besides a motor vehicle license?
- (23) A: No.
- (24) Q: During the time you've worked as
- (25)

**BENJAMIN SCHOBER**  
**March 29, 2007**

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

Page 21

*Benjamin Schober*

[1] commercial fisherman, I guess for the past three  
 [2] years — correct?  
 [3] A: Yes.  
 [4] Q: — have you ever been involved in any  
 [5] kind of marine casualty besides the one we're here  
 [6] today about?  
 [7] A: Casualty?  
 [8] Q: Yes, any kind of casualty, marine  
 [9] casualty?  
 [10] A: I was injured on a boat.  
 [11] Q: Tell me about that injury.  
 [12] A: We were unloading fish in New Bedford.  
 [13] And the rope that we used to unload the fish tank  
 [14] snapped and caught me in the finger, and I got  
 [15] scarred, and that's about it.  
 [16] Q: Did you make any claim against your  
 [17] employer for that?  
 [18] A: Yes.  
 [19] Q: Was that claim settled?  
 [20] A: Yes.  
 [21] Q: In the process of making that claim, did  
 [22] you file a lawsuit against your employer, or did  
 [23] you just ask him to pay you any —  
 [24] A: Lawsuit.

Page 22

*Benjamin Schober*

[1] Q: Where was the lawsuit filed?  
 [2] A: Boston.  
 [3] Q: And the outcome of that lawsuit was, the  
 [4] case was settled. Is that correct?  
 [5] A: Yes.  
 [6] Q: What attorney represented you in Boston?  
 [7] Do you know the name?  
 [8] A: Lati & Anderson.  
 [9] Q: Who was your employer at the time?  
 [10] A: During the accident?  
 [11] Q: Yes. Who was the person you brought the  
 [12] claim against, the lawsuit against?  
 [13] A: Robert Lamb.  
 [14] Q: Spell the last name.  
 [15] A: L-a-m-b.  
 [16] Q: L-a-m-b. Okay. You sued Mr. Lamb  
 [17] personally?  
 [18] A: His insurance company.  
 [19] Q: Who is Mr. Lamb?  
 [20] A: Was the owner of the fishing vessel I  
 [21] worked on.  
 [22] Q: What was the name of the vessel?  
 [23] A: Melissa Jayne.  
 [24] MR. HEALEY: What was that?  
 [25]

Page 23

*Benjamin Schober*

[1] A: Melissa Jayne with a Y, J-a-y-n-e.  
 [2] Q: Y. Oh, okay.  
 [3] How long did you work for Mr. Lamb?  
 [4] A: About nine months.  
 [5] Q: Did the accident end your employment  
 [6] with him?  
 [7] A: No.  
 [8] Q: So you continued working for him after  
 [9] the accident?  
 [10] A: Yes.  
 [11] Q: Let me go back a little bit.  
 [12] You said you started working as a commercial  
 [13] fisherman in 2004?  
 [14] A: Right.  
 [15] Q: What made you decide to change your  
 [16] career from a cook to a — or let's say chef, from  
 [17] a chef to a commercial fisherman?  
 [18] A: I was unemployed. And my cousin Mike  
 [19] Stepski owned a boat and put me to work.  
 [20] Q: So your cousin is Mike Stepski?  
 [21] A: Well, no. He's my sister-in-law's  
 [22] cousin. It's just easiest. We refer to each  
 [23] other as our "cousin." He's not my blood cousin.  
 [24] Q: How long had you been out of work when

Page 24

*Benjamin Schober*

[1] you finally gained employment with Mr. Stepski?  
 [2] A: About five months.  
 [3] Q: Now, had you had any experience as a  
 [4] commercial fisherman before you started working  
 [5] for Mr. Stepski?  
 [6] A: No.  
 [7] Q: Had you had any experience on boats in  
 [8] general before you started working with  
 [9] Mr. Stepski?  
 [10] A: Yes.  
 [11] Q: What's the basis for your experience on  
 [12] boats?  
 [13] A: I was raised on sailboats. I raced  
 [14] sailboats, went cruising all over Long Island  
 [15] Sound.  
 [16] Q: Starting from when?  
 [17] A: The time I was born.  
 [18] Q: And whose boats did you cruise on?  
 [19] A: My parents.  
 [20] Q: So your parents have owned a sailboat —  
 [21] they owned a sailboat the entire time you were  
 [22] growing up?  
 [23] A: Yes.  
 [24] Q: The same sailboat or different



**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBER  
March 29, 2007**

Page 25

*Benjamin Schober*

- (1) sailboats?  
(2) A: Two different ones.  
(3) Q: How often did you sail with them  
(4) during —  
(5) A: Pretty much the entire summer every  
(6) summer.  
(7) Q: Would this be leave home, be on the  
(8) sailboat continuously for two or three months or  
(9) every weekend or — describe the circumstances.  
(10) A: Weekend strips. Sometimes we go out for  
(11) a couple of weeks at a time. Day trips, a little  
(12) bit of everything.  
(13) Q: Anything other than on the sailboat?  
(14) A: I used to race sailboats.  
(15) Q: Is that a different boat than your  
(16) parents' boat?  
(17) A: Yes.  
(18) Q: Do you have any experience, maritime  
(19) experience besides — before you started working  
(20) as a commercial fisherman, did you have any  
(21) maritime experience besides on sailboats?  
(22) A: No.  
(23) Q: Did any of the sailboats that you gained  
(24) experience on have radars?  
(25)

Page 26

*Benjamin Schober*

- (1) A: Yes.  
(2) Q: Which one had radar?  
(3) A: My parents' sailboats that we were  
(4) cruising on had radar.  
(5) Q: And did you learn how to operate that  
(6) radar?  
(7) A: No.  
(8) Q: How is your eyesight?  
(9) A: 20/20.  
(10) Q: Have you ever been in the military?  
(11) A: No.  
(12) Q: I think you told me you don't have any  
(13) licenses. You don't have any merchant marine or  
(14) Coast Guard documents. Is that correct?  
(15) A: No.  
(16) MR. HEALEY: That is correct.  
(17) A: That is correct. I do not.  
(18) Q: I think I understood, but thank you for  
(19) clarifying the record because we might have been  
(20) confused later.  
(21) And you do not have a Connecticut operator's  
(22) permit? Is that correct? For boats?  
(23) A: No.  
(24) Q: 2004, is that when Mike Stepski asked  
(25)

Page 27

*Benjamin Schober*

- (1) you or offered you a position on his boat to go  
(2) fishing?  
(3) A: Yes.  
(4) Q: What boat was that?  
(5) A: Eva Claire.  
(6) Q: When is the first time that you went out  
(7) on the Eva Claire?  
(8) A: May of '04.  
(9) Q: Was that May — was the first time the  
(10) accident in this case, or was it before that?  
(11) A: The accident was my second trip on the  
(12) boat.  
(13) Q: So how long before the accident did you  
(14) make your first trip, how many weeks?  
(15) A: About a week before that.  
(16) Q: And how long was the first trip that you  
(17) made on the Eva Claire?  
(18) A: Twenty-four hours.  
(19) Q: Where did you leave?  
(20) A: New London.  
(21) Q: And did you come back to New London?  
(22) A: Yes.  
(23) Q: What did you do on that first trip?  
(24) A: I was a deck hand, worked the nets with  
(25)

Page 28

*Benjamin Schober*

- (1) him.  
(2) Q: Was there anybody else on board besides  
(3) you and Mr. Stepski?  
(4) A: Yes. Gael was on the boat.  
(5) Q: So it was just the three of you at the  
(6) time?  
(7) A: Yes.  
(8) MR. HEALEY: G-a-e-l.  
(9) Q: And is the second trip that you made  
(10) with Mr. Stepski the trip that the accident  
(11) happened on?  
(12) A: Yes.  
(13) Q: Since working on the Eva Claire on the  
(14) day of the accident, what other commercial fishing  
(15) vessels have you served on?  
(16) A: I worked on a lobster boat in Groton.  
(17) Q: Is this the first boat after the  
(18) accident that you worked on?  
(19) A: Yes.  
(20) Q: Who owned the boat?  
(21) A: Dick Sawyer.  
(22) Q: How long did you work for him?  
(23) A: About three months.  
(24) Q: When did you start working — how soon  
(25)



**BENJAMIN SCHOBER**  
**March 29, 2007**

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

Page 29

**Benjamin Schober**  
 (1) after the accident did you start working for  
 (2) Mr. Sawyer?  
 (3) A: About two months.  
 (4) Q: So sometime in the summer, say, July of  
 (5) 2004?  
 (6) A: Right.  
 (7) Q: Do you — was it the beginning of July  
 (8) or the end of July, you think?  
 (9) A: Middle of July.  
 (10) Q: It was definitely after the 4th of July  
 (11) holiday?  
 (12) A: Yeah.  
 (13) Q: So after you worked for Mr. Sawyer for  
 (14) three months on a lobster boat, what did you do  
 (15) next?  
 (16) A: I went to work on the Melissa Jayne.  
 (17) Q: How long did you work on the Melissa  
 (18) Jayne?  
 (19) A: Until the end of November, say,  
 (20) Thanksgiving.  
 (21) Q: When did your accident happen on the  
 (22) Melissa Jayne?  
 (23) A: The end of August, I believe.  
 (24) Q: What kind of boat is the Melissa Jayne?  
 (25)

Page 30

**Benjamin Schober**  
 (1) A: It's a 90-foot steel dragger.  
 (2) Q: Where did you work out of?  
 (3) A: New Bedford.  
 (4) Q: What kind of fish did you fish for?  
 (5) A: Whiting.  
 (6) Q: Same species the entire time you worked  
 (7) on board? Is that all you —  
 (8) A: Those are the main species.  
 (9) Q: What else did you drag for?  
 (10) A: Monkfish, lobsters.  
 (11) Q: You said you were hurt just the end of  
 (12) August. Did you miss any work on the Melissa  
 (13) Jayne because of the accident?  
 (14) A: No.  
 (15) Q: Why did you leave Mr. Lamb's employ at  
 (16) the end of November?  
 (17) A: I went to jail.  
 (18) Q: Is that when you were arrested for the  
 (19) DUI?  
 (20) A: Yes.  
 (21) Q: So from — actually, I don't think we  
 (22) actually asked that question.  
 (23) When — oh, sometime in November that you  
 (24) were arrested for the DUI?  
 (25)

Page 31

**Benjamin Schober**  
 (1) A: Yes.  
 (2) Q: And how soon after your arrest did you  
 (3) go to jail?  
 (4) A: Immediately.  
 (5) Q: So you were in jail from the time you  
 (6) were arrested until the trial?  
 (7) A: Yes.  
 (8) Q: And then after the trial, you went  
 (9) immediately back to jail. Correct?  
 (10) A: Yes.  
 (11) Q: So when was the trial?  
 (12) A: There was no trial. There was a  
 (13) sentencing date.  
 (14) Q: So that means you pled guilty?  
 (15) A: Yes.  
 (16) Q: So you were released from the halfway  
 (17) house sometime around Thanksgiving in 2005?  
 (18) A: Yes.  
 (19) Q: What did you do after you were released  
 (20) from the halfway house?  
 (21) A: I had a job cooking in New Haven.  
 (22) Q: Where was the halfway house?  
 (23) A: New Haven, Connecticut.  
 (24) Q: And "halfway house" implies that you  
 (25)

Page 32

**Benjamin Schober**  
 (1) were allowed to go out and do things out in the  
 (2) community and had to come back every night or  
 (3) periodically. Is that correct?  
 (4) A: Yes.  
 (5) Q: Did you work while you were in this  
 (6) halfway house?  
 (7) A: Yes.  
 (8) Q: What did you do — what employment did  
 (9) you have in the halfway house?  
 (10) A: I was a cook.  
 (11) Q: Did you just continue the same job that  
 (12) you had as a cook in New Haven after you left the  
 (13) halfway house?  
 (14) A: Yes.  
 (15) Q: How long did you work as a cook in New  
 (16) Haven?  
 (17) A: About a year and a half.  
 (18) Q: What did you do after that?  
 (19) A: I moved back to Uncasville and started  
 (20) fishing again.  
 (21) Q: Who did you start fishing with?  
 (22) A: Gary Yerman.  
 (23) Q: Spell his last name.  
 (24) A: Y-e-r-m-a-n.  
 (25)

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

Page 33

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] Q: What kind of boat does Mr. Yerman own?  
[3] A: 100-foot steel dragger.  
[4] Q: Where does it fish out of?  
[5] A: New London.  
[6] Q: When did you approximately start working  
[7] for Mr. Yerman?  
[8] A: December of last year, '06.  
[9] Q: Do you still work for Mr. Yerman?  
[10] A: Yes, I do.  
[11] MR. HEALEY: December?  
[12] THE WITNESS: Yes.  
[13] Q: Where does the — what's the name of the  
[14] vessel?  
[15] A: "Mystic Way."  
[16] Q: Where does the Mystic Way fish?  
[17] A: Where do we fish? Different canyons,  
[18] Georgia Bank, Hudson Canyon.  
[19] Q: How long is a typical trip on the Mystic  
[20] Way?  
[21] A: One week.  
[22] Q: What are your duties on the Mystic Way?  
[23] A: I'm a deck hand. All sorts of cooking  
[24] responsibilities, fishing responsibilities. I  
[25] also cook on the boat.

Page 34

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] Q: That would be obvious. Right? You  
[3] would be the cook.  
[4] So he has a Culinary Institute graduate as  
[5] his cook?  
[6] A: One of the cooks.  
[7] Q: One of the cooks. Okay.  
[8] Does the crew prefer your cooking or the  
[9] other cook's cooking?  
[10] A: Mine.  
[11] Q: I would hope so, after all of your  
[12] education and experience.  
[13] So when you work as a deck hand, describe  
[14] what some of those — you said all kinds of  
[15] duties. Describe what some of those duties are.  
[16] A: Setting nets, mending the nets,  
[17] processing the fish that comes out of the nets —  
[18] and we take shifts on watches — rides in and out,  
[19] maintenance of the boat.  
[20] Q: Do you stand a watch at the wheel?  
[21] A: Yes.  
[22] Q: Do you operate the radar?  
[23] A: I don't operate the radar. I watch the  
[24] radar.  
[25] Q: Have you been given instruction on how

Page 35

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] to operate or how to — what to watch for on the  
[3] radar?  
[4] A: Yes.  
[5] Q: When you made your first trip on the Eva  
[6] Claire, did Mike Stepski give you any instruction  
[7] on how to operate or watch the radar?  
[8] A: Yes.  
[9] Q: So the first trip he gave you those  
[10] instructions?  
[11] A: Yes.  
[12] Q: Do you recall what it is he told you or  
[13] how he instructed you to operate the radar?  
[14] A: Watching for blips on the radar,  
[15] anything that comes within a couple-of-mile  
[16] radius.  
[17] Q: And had you had that kind of experience  
[18] using a radar like that before, before you were on  
[19] the Eva Claire?  
[20] A: No.  
[21] Q: How long did Mr. Stepski spend  
[22] instructing you on how to use the radar?  
[23] A: About six hours.  
[24] Q: So he and you sat down in front of the  
[25] radar for approximately six hours and —

Page 36

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] A: Yes.  
[3] Q: — he discussed all the features of the  
[4] radar with you?  
[5] A: Yes.  
[6] Q: Was that on the first — that was on the  
[7] first trip?  
[8] A: Right.  
[9] Q: Where was the Eva Claire when this  
[10] instruction was going on?  
[11] A: On the way out to Montauk to go fishing.  
[12] Q: I'm going to jump ahead a little bit.  
[13] After the accident you were in a life raft?  
[14] A: Yes.  
[15] Q: And then you were rescued by the Coast  
[16] Guard?  
[17] A: That's right.  
[18] Q: Did the Coast Guard take you to their  
[19] air station on Cape Cod?  
[20] A: Yes.  
[21] Q: Were you interviewed by a Coast Guard  
[22] investigator when you were at the air station?  
[23] A: Yes.  
[24] Q: Do you know the name of that  
[25] investigator? Did he tell you his name?

**BENJAMIN SCHOBER**  
**March 29, 2007**

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

Page 37

*Benjamin Schober*

[1] **A:** I don't remember his name.  
 [2] **Q:** Did he introduce himself to you?  
 [3] **A:** Yes.  
 [4] **Q:** Did he give you a business card?  
 [5] **A:** Yes.  
 [6] **Q:** Do you still have that business card?  
 [7] **A:** No. One of the names something like  
 [8] Alan Blume.  
 [9] **Q:** Well, when you first arrived at Coast  
 [10] Guard air station in Cape Cod, got off the  
 [11] helicopter, what did you do?  
 [12] **A:** Put dry clothes on, got out of my  
 [13] survival suit.  
 [14] **Q:** And at what point did you — were you  
 [15] introduced to this investigator?  
 [16] **A:** Probably a couple of hours later.  
 [17] **Q:** And was he the only investigator that  
 [18] was with you asking you questions at the time —  
 [19] at that first time?  
 [20] **A:** Yes, I believe so.  
 [21] **Q:** Who else — were you taken to some kind  
 [22] of a room at Coast Guard air station in Cape Cod  
 [23] to be interviewed?  
 [24] **A:** Yes.  
 [25]

Page 38

*Benjamin Schober*

[1] **Q:** Was there anybody else in the room  
 [2] besides you and the investigator?  
 [3] **A:** I believe there was a couple of Coast  
 [4] Guard officials asking questions.  
 [5] **Q:** So besides this investigator who you  
 [6] were introduced to, there might have been other  
 [7] Coast Guard officials in the room?  
 [8] **A:** Yes.  
 [9] **Q:** Do you know the names of any of the  
 [10] other officials?  
 [11] **A:** No.  
 [12] **Q:** You mentioned a Lieutenant Commander  
 [13] Blume?  
 [14] **A:** Yes.  
 [15] **Q:** Was Lieutenant Commander Blume one of  
 [16] the people that was in the room when you were  
 [17] first interviewed at Coast Guard air station in  
 [18] Cape Cod?  
 [19] **A:** No.  
 [20] **Q:** Were either Mike Stepski or Gael  
 [21] Roderick in the room at the same time you were  
 [22] being questioned?  
 [23] **A:** No.  
 [24] **Q:** How long did that first interview at the  
 [25]

Page 39

*Benjamin Schober*

[1] air station last?  
 [2] **A:** About two hours.  
 [3] **Q:** Did the investigator make notes? Was he  
 [4] writing on a piece of paper as he was talking to  
 [5] you or asking questions?  
 [6] **A:** Yes.  
 [7] **Q:** Have you ever been shown a copy of those  
 [8] notes that he made?  
 [9] **A:** No.  
 [10] **Q:** Were you ever shown a copy of any  
 [11] typed-up notes? I'm assuming he was — you say he  
 [12] was writing on a piece of paper when he was asking  
 [13] questions. Correct?  
 [14] **A:** Yes.  
 [15] **Q:** Did he later show you a set of notes  
 [16] that he had typed up?  
 [17] **A:**  
 [18] **MR. WEIGEL:** No.  
 [19] **Q:** I'm going to ask that this document be  
 [20] marked as the next exhibit, which is 30.  
 [21] (Coast Guard document entitled  
 [22] Conversation Record is marked as Schober  
 [23] Exhibit 30 for Identification.)  
 [24] **Q:** I'm putting in front of a document that  
 [25]

Page 40

*Benjamin Schober*

[1] we've marked at Exhibit 30. Have you ever seen  
 [2] that document before?  
 [3] **MR. HEALEY:** Before you go on, this is  
 [4] just lawyer stuff. What's that marked as?  
 [5] Exhibit?  
 [6] **THE WITNESS:** Thirty.  
 [7] **MR. HEALEY:** Thirty. Exhibit 30 appears  
 [8] to me, from what I know, as part of the Coast  
 [9] Guard investigating report. I need not go into  
 [10] great length. Earlier on I stated the basis for  
 [11] my objections to using this in any form, and I  
 [12] object to the use of this in any form.  
 [13] **MR. WEIGEL:** Your objection is noted.  
 [14] **Q:** So you can actually answer all these  
 [15] questions. That objection is just for the record.  
 [16] It doesn't affect your — unless Mr. —  
 [17] **MR. HEALEY:** Doesn't —  
 [18] **Q:** Unless Mr. Healey tells you not to  
 [19] answer, you can continue here.  
 [20] **MR. HEALEY:** Off the record.  
 [21] (Off-record discussion.)  
 [22] **Q:** Have you ever seen this document before?  
 [23] **A:** I've not seen this document, no.  
 [24] **Q:** When you told us earlier that you had  
 [25]



**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

Page 41

**Benjamin Schober**

(1) reviewed the entire Coast Guard report, you don't  
(2) remember seeing this as part of the Coast Guard  
(3) report?  
(4)  
(5) A: I may have. It was a very long report.  
(6) What I do remember, though, is when I did —  
(7) MR. HEALEY: Just answer the question.  
(8) He asked you: Do you remember seeing this?  
(9) A: No, I don't remember seeing this. But I  
(10) said that I didn't —  
(11) MR. HEALEY: Don't volunteer. You  
(12) just — I don't know whether you're going to put  
(13) your foot in your mouth, see? There's no question  
(14) in front of you. And also, if you start wandering  
(15) all around, we'll be here until the day after  
(16) Easter. So give him a full answer to the question  
(17) he asks you.  
(18) Q: I'd like you to take a look at the  
(19) document, which is entitled "Conversation Record,"  
(20) which we've marked as Exhibit 30. Take a moment  
(21) and tell me if, to the best of your recollection,  
(22) that reflects what you told the Coast Guard  
(23) investigator at the air station in Cape Cod.  
(24) A: Yeah.  
(25) Q: To the best of your recollection, can

Page 42

**Benjamin Schober**

(1) you determine, from your initial reading of this  
(2) document, that there are any errors that the Coast  
(3) Guard investigator made recording what you told  
(4) him?  
(5)  
(6) A: I don't see any mistakes.  
(7) Q: Okay. Now, during your interview with  
(8) the Coast Guard investigator and the Coast Guard  
(9) officials at the air station in Cape Cod, were you  
(10) asked to write down, make a written statement in  
(11) your own handwriting as to what happened?  
(12) A: I don't recall if I actually wrote it  
(13) myself or not. I believe somebody took down my  
(14) statement, and I had to sign it.  
(15) Q: I'm going to show you a document which  
(16) has been previously marked as Exhibit 14 and ask  
(17) you if you've ever seen that document or you  
(18) remember seeing that document before.  
(19) MR. HEALEY: Look at it. Same objection  
(20) that I've already stated.  
(21) MR. WEIGEL: Noted.  
(22) Q: Do you recognize that document?  
(23) A: Yes.  
(24) Q: Is that your handwriting?  
(25) A: Yes.

Page 43

**Benjamin Schober**

(1) Q: So does that document refresh your  
(2) recollection that you actually made a statement in  
(3) your own handwriting —  
(4)  
(5) A: Yes.  
(6) Q: — on the day of the accident? Do you  
(7) recall about what time you arrived at the air  
(8) station on the helicopter that day?  
(9) A: I don't know what time it was. It was  
(10) late afternoon.  
(11) Q: It was still daylight?  
(12) A: Yes.  
(13) Q: And you said it was maybe two or three  
(14) hours after you arrived that you had the first  
(15) conversation with — about the incident with the  
(16) Coast Guard. Is that correct? In other words,  
(17) you were at the Coast Guard air station in Cape  
(18) Cod for a couple of hours getting, dry clothes,  
(19) etc., before they took you into this office and  
(20) started interviewing you?  
(21) A: Yes, that's right.  
(22) Q: Was it before or after that interview  
(23) that you wrote down this statement? Do you  
(24) recall?  
(25) A: During the interview, I believe.

Page 44

**Benjamin Schober**

(1) Q: Okay. Now, after you were interviewed  
(2) at Cape Cod, were you ever interviewed again by  
(3) the Coast Guard?  
(4)  
(5) A: Yes.  
(6) Q: Where did that interview take place?  
(7) A: Coast Guard base in New London.  
(8) Q: In New London?  
(9) A: Yes.  
(10) Q: Okay. And who was present for that  
(11) interview?  
(12) A: Alan Blume.  
(13) Q: Was it just you and Mr. Blume together?  
(14) A: No.  
(15) Q: Who else was there?  
(16) A: There was a couple of Coast Guard  
(17) officers that came up from New York, I believe,  
(18) and one or two officers from the base at New  
(19) London.  
(20) Q: Was it — what there anybody else  
(21) besides the Coast Guard officers and yourself?  
(22) A: There was just us that were in the  
(23) office at the same time.  
(24) Q: Was Mr. — was Mr. Stepski or  
(25) Mr. Roderick there at the same time?



**BENJAMIN SCHOB**  
**March 29, 2007**

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

Page 45

**Benjamin Schober**  
 (1) A: Not in the room.  
 (2) Q: Did you have an attorney present at the  
 (3) time?  
 (4) A: No.  
 (5) Q: Do you recall how many days after the  
 (6) incident that that interview took place?  
 (7) A: I believe it was two days.  
 (8) Q: So if the incident took place on  
 (9) Saturday, May — was it Saturday?  
 (10) A: 22nd.  
 (11) Q: May 22? It was Saturday?  
 (12) A: Yes.  
 (13) Q: So this was either Monday or Tuesday of  
 (14) the following week?  
 (15) A: Right.  
 (16) Q: And how long did — the interview with  
 (17) Lieutenant Commander Blume and the other Coast  
 (18) Guard officials, how long did that last?  
 (19) A: About two hours.  
 (20) Q: And did Mr. Blume make notes during the  
 (21) interview?  
 (22) A: Yes.  
 (23) Q: Did he ever show you his notes from the  
 (24) interview?  
 (25)

Page 46

**Benjamin Schober**  
 (1) A: I saw them in the Coast Guard report.  
 (2) Q: So you saw his write-up in the Coast  
 (3) Guard report?  
 (4) A: Yes.  
 (5) Q: And what he had written in the Coast  
 (6) Guard report, to the best of your recollection,  
 (7) did it accurately reflect what you told him during  
 (8) the interview that you had a couple of days after  
 (9) the accident?  
 (10) A: Yes.  
 (11) Q: Are there any other times that you met  
 (12) with the Coast Guard besides the two days after  
 (13) the accident?  
 (14) A: No.  
 (15) Q: So you — after you met with Mr. Blume  
 (16) two days after the accident, that's the last time  
 (17) you've spoken to the Coast Guard about this  
 (18) incident. Is that correct?  
 (19) A: Yes.  
 (20) Q: You looked at the Coast Guard report.  
 (21) Had anyone given you a copy of the Coast Guard  
 (22) report?  
 (23) A: Yes.  
 (24) Q: So you have your own copy of the Coast  
 (25)

Page 47

**Benjamin Schober**  
 (1) Guard report?  
 (2) A: Yes.  
 (3) Q: Where is that copy now?  
 (4) A: At my home.  
 (5) Q: When you reviewed the report, did you  
 (6) make any marks or notes on the report as you were  
 (7) reviewing it?  
 (8) A: No.  
 (9) Q: Now, on the day of the event, what time  
 (10) did you arrive at the dock?  
 (11) MR. HEALEY: Which event?  
 (12) Q: I'm sorry. The accident, May 22.  
 (13) A: Yes.  
 (14) Q: What time did you report to the dock to  
 (15) board the Eva Claire to go out on the trip?  
 (16) A: About 2:30 in the morning.  
 (17) Q: Did you — what did you do the night  
 (18) before this fishing trip?  
 (19) A: The night before? Got a lot of sleep.  
 (20) Q: About what time did you go to bed? Do  
 (21) you remember?  
 (22) A: Probably about six o'clock.  
 (23) Q: What had you doing the day before?  
 (24) A: Probably working on my house.  
 (25)

Page 48

**Benjamin Schober**  
 (1) Q: Did you have anything to drink the night  
 (2) before?  
 (3) A: Possibly.  
 (4) Q: What could you have had to drink the  
 (5) night before? You said "possibly" you had  
 (6) something to drink. What could that have been?  
 (7) I'll be specific. Did you drink any alcoholic  
 (8) beverages the night before the trip?  
 (9) A: I'm not sure. If I did, it wasn't much.  
 (10) Q: Well, if you did, how much is not very  
 (11) much in your definition?  
 (12) A: Three or four beers.  
 (13) Q: Three or four beers.  
 (14) So you think you maybe got seven or eight  
 (15) hours sleep before you —  
 (16) A: Yes.  
 (17) Q: Again, let me finish asking the  
 (18) question.  
 (19) You probably got seven or eight hours sleep  
 (20) before you got up to go to the Eva Claire.  
 (21) Correct?  
 (22) A: Yes.  
 (23) Q: And am I correct in understanding that  
 (24) you brought beer with you to the Eva Claire?  
 (25)

Page 49

*Benjamin Schober*

- [1] A: Yes.  
[2] Q: How much did you bring?  
[3] A: I believe it was a 12 pack.  
[4] Q: How long after you got to the dock did  
[5] the boat leave?  
[6] A: About half an hour.  
[7] Q: Was Mr. Stepski there when you got  
[8] there?  
[9] A: Yes.  
[10] Q: Was Mr. Roderick there when you got  
[11] there?  
[12] A: Yes.  
[13] Q: And how long from the time you left the  
[14] dock to the time — did it take you to get to the  
[15] fishing grounds?  
[16] A: About six hours.  
[17] Q: What were you going out to fish for?  
[18] A: Monkfish.  
[19] Q: What was the weather like when you left  
[20] the dock?  
[21] A: It was foggy.  
[22] Q: Do you recall if the Eva Claire was  
[23] sounding fog signals?  
[24] A: I don't recall.  
[25]

Page 50

*Benjamin Schober*

- [1] Q: Now, the first time you had gone out on  
[2] the Eva Claire with Mr. Stepski, what was the  
[3] weather like during that trip?  
[4] A: It was a much more — clearer day.  
[5] Q: Did you encounter any fog during that  
[6] first trip?  
[7] A: A little bit, not much.  
[8] Q: Did Eva Claire sound fog signals when  
[9] you encountered fog on the first trip?  
[10] A: I don't believe so.  
[11] Q: And when you say you don't recall, is  
[12] that you don't recall that they sounded fog  
[13] signals, or you just don't recall the situation at  
[14] all?  
[15] A: I don't recall it sounding fog signals.  
[16] Q: So you don't ever remember hearing fog  
[17] signals when you were on the Eva Claire the second  
[18] trip. Correct?  
[19] A: Right.  
[20] Q: What duties were you assigned during the  
[21] trip out to the fishing grounds?  
[22] MR. HEALEY: May 22?  
[23] Q: On May 22.  
[24] A: On the trip out?  
[25]

Page 51

*Benjamin Schober*

- [1] Q: Yes.  
[2] A: I didn't have any duties.  
[3] Q: What did you do during that six-hour  
[4] period?  
[5] A: Slept.  
[6] Q: Did you drink any beer during that trip  
[7] out?  
[8] A: No.  
[9] Q: So if I understand your testimony, you  
[10] left the dock about 3:30?  
[11] A: It was about three o'clock.  
[12] Q: You said you got there about three?  
[13] A: Like 2:30.  
[14] Q: 2:30. I see. And you left about three?  
[15] A: Right.  
[16] Q: So you got to the — where you were  
[17] going to fish at about nine o'clock. Is that  
[18] correct?  
[19] A: Right.  
[20] Q: What did you do — where was it that you  
[21] were going exactly? Do you know?  
[22] A: Thirty miles south of Montauk.  
[23] Q: And were there already nets in place  
[24] that you were going to pick up?  
[25]

Page 52

*Benjamin Schober*

- [1] A: Yes.  
[2] Q: So you get to the first net at about  
[3] nine o'clock in the morning?  
[4] A: Yeah.  
[5] Q: What did you and the crew do when you  
[6] got to the net?  
[7] A: Made breakfast.  
[8] Q: So you had breakfast before you started  
[9] working the first net?  
[10] A: That's right.  
[11] Q: Do you know how many nets the Eva Claire  
[12] had set in the water that you were going to work  
[13] that day?  
[14] A: I believe it was three.  
[15] Q: So before you started working the first  
[16] net, you had breakfast. Who cooked breakfast?  
[17] A: Mike did.  
[18] Q: And what — how long did it take to cook  
[19] and eat breakfast?  
[20] A: About half an hour.  
[21] Q: And after breakfast what did you do?  
[22] A: Started working on the nets.  
[23] Q: Did you drink any beer with breakfast?  
[24] A: No.  
[25]

BENJAMIN SCHOBER

March 29, 2007

MICHAEL STEPSKI v.

THE M/V NORASIA ALYA

Page 53

*Benjamin Schober*

(1) *Benjamin Schober*  
 (2) Q: So you started working the first net at  
 (3) about 9:30?  
 (4) A: Right.  
 (5) Q: What are your duties as you were working  
 (6) the nets?  
 (7) A: Taking the fish out of the nets.  
 (8) MR. HEALEY: You never asked him — off  
 (9) the record.  
 (10) (There is an off-the-record discussion.)  
 (11) Q: So let me see if I understand what you  
 (12) were doing. Your job was just to pick the fish  
 (13) out of the nets. Is that correct?  
 (14) A: Right.  
 (15) Q: Where were you standing on the boat  
 (16) while the net was being pulled and you were  
 (17) picking fish?  
 (18) A: Right next to a stainless steel table.  
 (19) The fish come in off of a crane, the winch that  
 (20) brings the net in.  
 (21) Q: I'm going to show you a document which  
 (22) has been marked as Exhibit 1. I'd like you to  
 (23) look through it. It's a set of photographs. And  
 (24) I'd like you to look through those photographs and  
 (25) tell me if you recognize where those photographs

Page 54

*Benjamin Schober*

(1) *Benjamin Schober*  
 (2) were taken.  
 (3) MR. HEALEY: What I'm suggesting is:  
 (4) Look at all of them before you answer.  
 (5) A: I'm not sure about this very last one.  
 (6) Most of these are the Eva Claire.  
 (7) Q: Okay. Are the photographs in Exhibit 1  
 (8) marked A and B, are those of you at the stern area  
 (9) of the Eva Claire, the best that you can tell?  
 (10) A: Yes.  
 (11) Q: Now, there's an individual in an orange  
 (12) overcoat, raincoat standing at the aft end of the  
 (13) Eva Claire in the photographs marked A and B. Is  
 (14) that where you were standing when you were taking  
 (15) the fish off the net?  
 (16) A: No.  
 (17) Q: Where in relationship to where he was  
 (18) standing were you standing?  
 (19) A: More in the middle of the boat, like  
 (20) right next to this table.  
 (21) Q: So the table that you can see in  
 (22) Exhibit — photograph A — 1A at the bottom of the  
 (23) photograph, you were standing next to that table?  
 (24) A: Yes.  
 (25) Q: Were you standing on the port or the

Page 55

*Benjamin Schober*

(1) *Benjamin Schober*  
 (2) starboard side of Eva Claire to pick up the fish?  
 (3) A: Port.  
 (4) Q: How long do you recall that it took to  
 (5) pull and pick the fish out of that first net?  
 (6) A: About two hours.  
 (7) Q: What did you do after the net had been  
 (8) completely pulled?  
 (9) A: We set it back in the water.  
 (10) Q: About how long did that take?  
 (11) A: About a half hour, 45 minutes.  
 (12) Q: Now, when you were pulling the net, what  
 (13) was Mr. Stepski doing?  
 (14) MR. HEALEY: "Pulling"? Just explain.  
 (15) Q: You said you were pulling the first net,  
 (16) picking the fish out of it. During that two-hour  
 (17) period what was Mr. Stepski doing?  
 (18) MR. HEALEY: Just so you know what I was  
 (19) thinking, we haul the fish in, and then reset the  
 (20) net. Right? You're talking about —  
 (21) Q: When he's hauling the net in, what was  
 (22) Mr. Stepski doing?  
 (23) A: Helping work on the net.  
 (24) Q: When you say "helping," what  
 (25) specifically was he doing?

Page 56

*Benjamin Schober*

(1) *Benjamin Schober*  
 (2) A: Standing next to the winch, working on  
 (3) the nets, looking over his shoulder on the radar.  
 (4) Q: And what was Mr. Roderick doing during  
 (5) that period of time?  
 (6) A: Just working on the nets.  
 (7) Q: When you say "working on the nets," you  
 (8) mean pulling the fish out of the nets?  
 (9) A: Yes.  
 (10) Q: When you pull the fish out of the nets,  
 (11) where do they go?  
 (12) A: They go into pens in the back of the  
 (13) boat.  
 (14) Q: And how much — that first net that you  
 (15) pulled, how much fish did you pull out of that  
 (16) net?  
 (17) A: Enough to fill up at least one of the  
 (18) pens.  
 (19) Q: One of the fish pens is almost full or  
 (20) full by the time you were done pulling that first  
 (21) net?  
 (22) A: Right.  
 (23) Q: So you said you had breakfast — you  
 (24) arrived at the first net about nine, had breakfast  
 (25) about a half an hour, started working at 9:30. It



**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

Page 57

*Benjamin Schober*

[1] took about two hours?

[2] A: Right.

[3] Q: So you finish working it about 11:30.

[4] Is that correct?

[5] A: Yeah.

[6] Q: And then about half an hour to 45

[7] minutes to reset the net?

[8] A: Right.

[9] Q: So we're talking somewhere around —

[10] between 12 and 12:30 when you finished setting the

[11] net?

[12] A: Right.

[13] Q: What happened after you set the net?

[14] A: We went to the next net and started

[15] pulling that one in.

[16] Q: Okay. How far along hauling that net

[17] did you get before the accident happened?

[18] A: About halfway.

[19] Q: How much fish had you filled the next

[20] pen with by the time you got to the — halfway

[21] through that net?

[22] A: It was pretty full.

[23] Q: So there was actually more fish in the

[24] second net than there were in the first net?

[25]

Page 58

*Benjamin Schober*

[1] A: I think so.

[2] Q: Was the second net longer than the first

[3] net?

[4] A: No.

[5] Q: So they were both the same length, as

[6] far as you know?

[7] A: Right.

[8] Q: Which — go back and look at Exhibit 1.

[9] Which pen — I assume that — I'm going to ask you

[10] this, and tell me if I'm correct. I'm assuming

[11] the person that we see in that picture 1A and 1B

[12] is actually standing either next to or in the fish

[13] pens. Is that correct?

[14] A: Right.

[15] Q: Okay. When you pulled the first —

[16] pulled the first net and picked the fish out of

[17] the first net, which of the three pens did the

[18] fish go into?

[19] A: I believe it was the pen right — in the

[20] aft of the boat.

[21] Q: Okay. That pen, did it stretch across

[22] the entire aft end of the boat? It took the

[23] entire width of the boat?

[24] A: Yes, it did.

[25]

Page 59

*Benjamin Schober*

[1] Q: And that's the one that was pretty much

[2] filled up to the top by the time you finished

[3] pulling the first net?

[4] A: Right.

[5] Q: And as you're pulling the second net,

[6] where did the fish go? Which pen did the fish go

[7] into as you were pulling the second net?

[8] A: The one on the port side of the boat.

[9] Q: And it was, you said, almost full by the

[10] time you got halfway down the net. Correct?

[11] A: Yes.

[12] Q: Now, can you describe how the

[13] orientation of these nets was in terms of compass

[14] direction?

[15] A: I'm not sure what direction the nets

[16] were in.

[17] Q: And you said there were a total of three

[18] strings of nets, three separate strings of nets

[19] that you were planning on working that day?

[20] A: Right.

[21] Q: Do you know about how far apart the nets

[22] were?

[23] A: I'm not sure how far. It wasn't very

[24] far.

[25]

Page 60

*Benjamin Schober*

[1] Q: Now, what was the weather conditions?

[2] What was the visibility when you were working the

[3] nets?

[4] A: Not good, probably zero visibility.

[5] Q: So you couldn't see — in other words,

[6] when you came — at the beginning of one net, you

[7] couldn't see the other end of the net, could you?

[8] A: No.

[9] Q: Where the floats were for the net?

[10] A: No.

[11] Q: When you finished resetting the first

[12] net after you pulled the fish out — you said it

[13] took about 30 to 45 minutes — how long did it

[14] take you to get to the second net? Do you recall?

[15] A: Probably five minutes.

[16] Q: And that was using — was Mr. Stepski

[17] driving the boat from the first net to the second

[18] net?

[19] A: Yes.

[20] Q: And did he use full RPMs that you

[21] recall?

[22] A: I believe so.

[23] Q: Now, you said you were about halfway

[24] through the second string of — second net when

[25]



**BENJAMIN SCHOBER**  
**March 29, 2007**

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

Page 61

(1) *Benjamin Schober*  
 (2) the accident occurred. Correct?  
 (3) A: Yes.  
 (4) Q: Okay. If you go look back at  
 (5) Exhibit 30 — and there's a fourth bullet point  
 (6) down from the top of that. It says, "Contact  
 (7) stated that they had just completed hauling first  
 (8) string of gear when they were struck by ship."  
 (9) That's not an accurate statement, according to  
 (10) what you're saying to us now. Is that correct?  
 (11) A: Right. We were into the second set of  
 (12) nets then.  
 (13) Q: Now, describe for us the sequence of  
 (14) events that happened when you were hit by the  
 (15) other ship. You were standing in the same place,  
 (16) picking fish off the net. Is that correct?  
 (17) A: Yes.  
 (18) Q: Did you hear any conversations between  
 (19) Mr. Stepski and Mr. Roderick about radar contacts?  
 (20) A: Yes.  
 (21) Q: Do you recall what they were saying to  
 (22) each other about radar contacts?  
 (23) A: Mike was watching a blip on the radar.  
 (24) Q: And do you recall how soon after you  
 (25) started working the second net that you first

Page 62

(1) *Benjamin Schober*  
 (2) heard Mr. Stepski mention that he was watching a  
 (3) blip on the radar?  
 (4) A: I don't remember how far into the net it  
 (5) was, no.  
 (6) Q: Was it before you started working the  
 (7) net, or you had already started working the net?  
 (8) A: We had already started working the net.  
 (9) Q: And what do you recall Mr. Stepski  
 (10) saying about the blip that he was watching on the  
 (11) radar?  
 (12) A: He was saying that they're known fishing  
 (13) grounds, and there's some lobster draggers that  
 (14) generally work in the same area, and that's what  
 (15) he was assuming he was watching on the radar.  
 (16) Q: Did Mr. Roderick have any conversations  
 (17) with Mr. Stepski about the blip that was on the  
 (18) radar?  
 (19) A: No.  
 (20) Q: Do you recall if Mr. Stepski — was he  
 (21) having these conversations about the radar — was  
 (22) he standing at the net hauler, or was he inside  
 (23) the pilot house?  
 (24) A: He was at the net hauler looking into  
 (25) the wheel house.

Page 63

(1) *Benjamin Schober*  
 (2) Q: Do you recall if Mr. Stepski ever went  
 (3) into the wheel house during this period of time to  
 (4) look — to get a closer look at the radar?  
 (5) A: He did go into the wheel house, yes.  
 (6) Q: Do you recall how many times, as you  
 (7) were hauling the second net, Mr. Stepski went into  
 (8) the wheel house?  
 (9) A: Probably three or four.  
 (10) Q: Do you know if Mr. Roderick was also  
 (11) watching the radar and watching this blip?  
 (12) A: I don't believe he was, no. He was on  
 (13) the back of the boat.  
 (14) Q: So could you see the radar from where  
 (15) you were picking fish?  
 (16) A: No.  
 (17) Q: And do you think that Mr. Roderick could  
 (18) have seen the radar from where he was picking  
 (19) fish?  
 (20) A: Probably not.  
 (21) Q: Do you recall Mr. Roderick ever going  
 (22) into the pilot house to look at the radar?  
 (23) A: No.  
 (24) Q: So as far as you know, the only person  
 (25) that went into the pilot house to look at the

Page 64

(1) *Benjamin Schober*  
 (2) radar or do anything was Mr. Stepski. Right?  
 (3) A: Right.  
 (4) Q: Did there come a time that Mr. Stepski  
 (5) expressed any concern about this blip that he was  
 (6) watching on the radar?  
 (7) A: No, not until shortly before the  
 (8) collision.  
 (9) Q: What happened shortly before the  
 (10) collision?  
 (11) A: Mike ran into the wheel house and put  
 (12) the boat in gear and tried getting out of the way.  
 (13) Q: Before he ran into the wheel house to  
 (14) put the boat in gear, do you recall him saying to  
 (15) anybody to untie the bridle?  
 (16) A: Not until it was too late.  
 (17) Q: When — so he did say, "Untie the  
 (18) bridle" at some point. Is that correct?  
 (19) A: Yeah.  
 (20) Q: Do you recall when he said, "Untie the  
 (21) bridle"?  
 (22) A: As he was throwing the boat into gear.  
 (23) Q: Did he ever say, "Cut the bridle"?  
 (24) A: I believe that's what he said, yes.  
 (25) Q: So rather than, "Untie the bridle," he

Page 65

(1) Benjamin Schober  
(2) said, "Cut the bridle?"  
(3) A: I believe it was, "Cut it," yes.  
(4) Q: Did he tell anybody to get a knife or an  
(5) ax out to get ready to cut the bridle?  
(6) A: I don't think there was specific  
(7) instructions. It was just more, "Cut the bridle.  
(8) Cut the nets."  
(9) Q: How soon after — what happened after he  
(10) put the boat in gear and said, "Cut the nets?"  
(11) A: It was only a matter of seconds until  
(12) the collision. And I was getting to the back of  
(13) the boat because it was pretty obvious there was  
(14) about to be a collision.  
(15) Q: Besides, "Cut the nets," did Mr. Stepski  
(16) say anything else?  
(17) A: "Oh, shit."  
(18) Q: Do you remember him saying that?  
(19) A: Yes.  
(20) Q: How soon before the collision did he say  
(21) that?  
(22) A: Couple of seconds maybe.  
(23) Q: When he said, "Cut the bridle" and he  
(24) put the boat in gear, did you know why he had  
(25) given that order or why he was putting the boat

Page 66

(1) Benjamin Schober  
(2) into gear?  
(3) A: Yes.  
(4) Q: What did you understand — at that point  
(5) what did you understand was the reason for that  
(6) order?  
(7) A: Because there was a big ship coming down  
(8) on top of us.  
(9) Q: How did you know there was a big ship  
(10) coming down on top of you?  
(11) A: You could see it.  
(12) Q: So when Mr. Stepski said, "Cut the  
(13) bridle" and put the boat into gear and he went to  
(14) go put the boat into gear, at that point you could  
(15) see the large ship bearing down on you?  
(16) A: Yes.  
(17) Q: Before you could see the large ship  
(18) bearing down on you, did anyone have any concern  
(19) that they needed to get out of the way of this  
(20) blip coming —  
(21) MR. HEALEY: Object to the form. You  
(22) can answer it. That's just an objection to the  
(23) form for lawyers.  
(24) A: No. Just kept watching the radar.  
(25) Didn't bring anything to my immediate attention,

Page 67

(1) Benjamin Schober  
(2) no.  
(3) Q: So did you see the ship, the large ship  
(4) that was bearing down on you —  
(5) A: Yes.  
(6) Q: — before the collision?  
(7) A: Yes.  
(8) Q: Did you see it before or after  
(9) Mr. Stepski said, "Cut the bridle" and he went to  
(10) put the boat into gear?  
(11) A: Right about the same time.  
(12) Q: How far away would you estimate the ship  
(13) was when you first saw it?  
(14) A: It was pretty close. 50 feet, 100 feet.  
(15) Q: Do you recall hearing the Eva Claire's  
(16) engine RPMs increase?  
(17) A: Yes.  
(18) Q: Did it look to you like the Eva Claire  
(19) was starting to make some headway?  
(20) A: A little bit.  
(21) Q: Do you recall if Mr. Stepski turned the  
(22) Eva Claire in one direction or another when he put  
(23) the boat in gear?  
(24) A: No.  
(25) Q: He didn't turn, or you don't recall?

Page 68

(1) Benjamin Schober  
(2) A: I don't know if he turned or not.  
(3) Q: How soon after you saw the ship appear  
(4) did the collision happen?  
(5) A: A couple of seconds.  
(6) Q: What happened when the collision  
(7) occurred? Where did the large ship hit the Eva  
(8) Claire?  
(9) A: Right in the wheel house.  
(10) Q: Where were you standing?  
(11) A: Rear of the wheel house.  
(12) Q: Were you standing in the same place that  
(13) you had been when you were picking fish, or had  
(14) you moved when you saw the big ship coming?  
(15) A: I moved to the back of the boat.  
(16) Q: Where was Mr. Roderick when the  
(17) collision occurred?  
(18) A: In the back of the boat.  
(19) Q: Where was Mr. Stepski when the collision  
(20) occurred?  
(21) A: Coming out of the wheel house.  
(22) Q: So he had moved away from where the  
(23) point of collision was? Mr. Stepski moved away  
(24) from the point of collision?  
(25) A: Yes.

**BENJAMIN SCHOBER**  
**March 29, 2007**

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

Page 69

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] Q: Did you — did — the large ship that  
 [3] hit you — do you know what a "bulbous bow" is?  
 [4] A: Yes.  
 [5] Q: Did it have a bulbous bow?  
 [6] A: Yes.  
 [7] Q: Could you see the bulbous bow?  
 [8] A: Yeah.  
 [9] Q: Was there a bow wave on the ship that  
 [10] hit you?  
 [11] A: Yes.  
 [12] Q: Standing on the deck of the Eva Claire,  
 [13] was the bow wave higher than your head or below  
 [14] your head?  
 [15] A: Below.  
 [16] Q: When you're standing on the Eva Claire,  
 [17] the deck, your feet are about where the water line  
 [18] is on the Eva Claire. Correct?  
 [19] A: Pretty close.  
 [20] Q: So this bow wave on the ship that hit  
 [21] you was less than 6 feet high?  
 [22] A: I believe so, yes.  
 [23] Q: Do you remember what color the hull of  
 [24] the ship that hit you was?  
 [25] A: Blue.

Page 70

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] Q: What color — was it a light blue or a  
 [3] dark blue?  
 [4] A: Dark.  
 [5] Q: Could you see any other markings on the  
 [6] bow of the — or could you see any markings on the  
 [7] bow of the ship that hit you?  
 [8] A: Well, just around the water line. It  
 [9] was, like, a reddish colored bottom.  
 [10] Q: You want to take a second to take a  
 [11] break?  
 [12] A: Yeah.  
 [13] MR. WEIGEL: We'll take five minutes.  
 [14] (There is a recess taken.)  
 [15] BY MR. WEIGEL:  
 [16] Q: So besides the red bottom color that you  
 [17] saw, could you see any markings up high on the  
 [18] bow?  
 [19] A: Just the bridge, the white bridge on the  
 [20] back of the boat.  
 [21] Q: Well, you're a little bit ahead of me.  
 [22] We're still at the moment of impact, and you're  
 [23] looking up at the bow of the ship that hit you.  
 [24] Did you see anything like a name or any other  
 [25] markings up at the top of the bow?

Page 71

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] A: No, I don't recall seeing anything.  
 [3] Q: Now, do I understand correctly the ship  
 [4] that hit you and hit the Eva Claire on the Eva  
 [5] Claire starboard side?  
 [6] A: That's correct.  
 [7] Q: All three of you were on the stern. So  
 [8] the ship is now going by and you're looking up at  
 [9] the port side of the ship that hit you. Correct?  
 [10] A: That would be the port side, yes.  
 [11] Q: Is there anything that you remember that  
 [12] you could tell us to describe the port side of the  
 [13] ship that you saw that was going by?  
 [14] A: It was big and blue.  
 [15] Q: Could you see any up on the deck of the  
 [16] ship?  
 [17] MR. HEALEY: Did you say by?  
 [18] Q: Could you see up on the deck of the ship  
 [19] as it was going by?  
 [20] A: Some containers.  
 [21] Q: What kind of containers did you see?  
 [22] A: I don't know. It was big boxes on the  
 [23] deck of the boat.  
 [24] Q: That's all you saw, were containers?  
 [25] A: Yes.

Page 72

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] Q: And as the ship went by, describe what  
 [3] you saw on the back end of the ship.  
 [4] A: It's all white in the bridge of the  
 [5] boat.  
 [6] Q: The containers that you saw on the deck,  
 [7] do you recall what colors they were?  
 [8] A: No, I don't.  
 [9] Q: Did you see any markings on any of the  
 [10] containers?  
 [11] A: No.  
 [12] Q: Did you see any markings on the side of  
 [13] the ship?  
 [14] A: Not that I recall.  
 [15] Q: Did you see any markings on the stern of  
 [16] the ship?  
 [17] A: No.  
 [18] Q: Do you recall telling the Coast Guard  
 [19] that you saw the ship's home port on the stern of  
 [20] the ship?  
 [21] A: I told them I may have seen it, but ...  
 [22] Q: But what?  
 [23] A: It was a thought. It wasn't  
 [24] definitely — wasn't anything definite.  
 [25] Q: Well, do you recall at the time you were



**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBER  
March 29, 2007**

Page 73

*Benjamin Schober*

- (1) being interviewed that the name on the back of the  
(2) ship was "Port Elizabeth"?  
(3)  
(4) A: I said it may be. I thought I may have  
(5) seen that on the back of the boat. It was nothing  
(6) I could verify.  
(7) Q: Who did you tell that you saw "Port  
(8) Elizabeth" on the back of the boat?  
(9) A: I believe Mr. Blume.  
(10) Q: Can you describe the superstructure of  
(11) the ship that hit you to us?  
(12) A: You mean the hull?  
(13) Q: No. The part of the — the deck house,  
(14) the part of the ship above the deck.  
(15) A: As I recall, it was white on the very  
(16) back of the boat.  
(17) Q: Could you see the bridge? Could you see  
(18) the bridge?  
(19) A: From behind perhaps.  
(20) Q: Could you see the port bridge wing?  
(21) A: I could see a wing on it.  
(22) Q: Did you see anybody standing on the  
(23) wing?  
(24) A: No.  
(25) Q: Did you see anybody standing on the deck

Page 74

*Benjamin Schober*

- (1) as the ship went by?  
(2) A: No.  
(3) Q: What else did you see on the after part  
(4) of the ship? Anything in particular that you  
(5) recall?  
(6) A: A raised transom on the thing. Nothing,  
(7) really. There was a life raft on the back of the  
(8) boat.  
(9) Q: Where was the life raft?  
(10) A: Up on the stern.  
(11) Q: What color was the life raft?  
(12) A: Not sure. I'm not sure what color it  
(13) was.  
(14) Q: Now, where was this life raft mounted on  
(15) the stern of the ship? Do you recall: Was it in  
(16) the center of the superstructure, on the port  
(17) side?  
(18) A: I think it was more on the starboard  
(19) side. I believe it was, like, centered.  
(20) Q: When you say "life raft," do you mean it  
(21) was a life boat, or it was a big circular,  
(22) doughnut-shaped raft?  
(23) A: A boat.  
(24) Q: A life boat. I see.

Page 75

*Benjamin Schober*

- (1) Now, before the collision occurred, when you  
(2) first looked up and saw this ship looming out of  
(3) the fog, did you hear anything other than the  
(4) noises on board the Eva Claire?  
(5) A: No.  
(6) Q: Could you hear the engines of the ship  
(7) that was looming out of the fog?  
(8) A: I don't recall hearing the engines  
(9) before the actual collision.  
(10) Q: Do you remember hearing the engines  
(11) after the collision?  
(12) A: Yes.  
(13) Q: At what point do you remember hearing  
(14) the engines of the ship that hit you?  
(15) A: By the time the ship had already passed.  
(16) Don't get me wrong. It was shortly after the  
(17) collision. I mean, it's kind of hard not to hear  
(18) it when you're right along the side of it.  
(19) That's — really, I mostly heard it as it was  
(20) going away.  
(21) Q: Do you remember seeing the exhaust  
(22) stack —  
(23) A: Yes.  
(24) Q: — the stack of the ship that hit you?  
(25)

Page 76

*Benjamin Schober*

- (1) A: Yes.  
(2) Q: Where was that located with respect to  
(3) the bridge of the ship?  
(4) A: It was in front of it, I believe.  
(5) Q: So you saw an exhaust stack that was in  
(6) front of the bridge. Is that correct?  
(7) A: I believe so.  
(8) Q: What happened after the collision?  
(9) A: What happened after the collision?  
(10) Q: You were standing on the stern of the  
(11) Eva Claire.  
(12) A: Right.  
(13) Q: The ship that hit you had gone by. Tell  
(14) me what happened next.  
(15) A: After the ship had already gone by?  
(16) Q: Yes, the ship had gone by.  
(17) A: We were hanging onto the boat, trying to  
(18) float, you know, and —  
(19) Q: When you say you were "hanging onto the  
(20) boat, trying to float," you were hanging onto the  
(21) stern section of the Eva Claire. Is that correct?  
(22) A: For a little while. It sank pretty  
(23) quick.  
(24) Q: How soon after the collision do you  
(25)



**BENJAMIN SCHOBER**  
**March 29, 2007**

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

Page 77

*Benjamin Schober*

- (1) recall that it sank?  
 (2) **A:** Matter of minutes.  
 (3) **Q:** Okay. What did you do after the stern  
 (4) section sank?  
 (5) **A:** Got onto the front half.  
 (6) **Q:** And what happened then?  
 (7) **A:** We had to retrieve survival suits out of  
 (8) the boat.  
 (9) **Q:** Who did that?  
 (10) **A:** Mike.  
 (11) **Q:** What did you have to do to get the  
 (12) survival suits?  
 (13) **A:** There was, like, a forward hatch on the  
 (14) boat. They had to swim under the — about half of  
 (15) the boat and pull them out of the boat.  
 (16) **Q:** Did you — all three of you get into the  
 (17) survival suits while you were still in the water?  
 (18) **A:** I believe we put them on in the raft.  
 (19) **Q:** At what point did you spot the life raft  
 (20) from the Eva Claire?  
 (21) **A:** It was — it took a while for it to pop  
 (22) up. I'm real not sure how long. But it  
 (23) self-inflated, so ...  
 (24) **Q:** Where was the life raft mounted, or  
 (25)

Page 78

*Benjamin Schober*

- (1) where was it kept on the Eva Claire?  
 (2) **A:** I believe it was down below, like the  
 (3) forward half of the boat.  
 (4) **Q:** And is it your recollection that the  
 (5) life raft inflated automatically and came out of  
 (6) the forward half of the boat, or is that something  
 (7) that Mr. Stepski went down and pulled out —  
 (8) **A:** It inflated on its own.  
 (9) **Q:** Inflated on its own. Where — tell me  
 (10) again where in the forward half of the boat the  
 (11) life raft was stowed? Was it stowed below deck?  
 (12) **A:** Down below, yes, in the forward bow  
 (13) section.  
 (14) **Q:** And you don't think Mr. Stepski pulled  
 (15) the life raft out?  
 (16) **A:** No.  
 (17) **Q:** So the life raft came to the surface.  
 (18) You had the survival suits. You got into the life  
 (19) raft and put on the survival suits. Right?  
 (20) **A:** Yes.  
 (21) **Q:** What happened then?  
 (22) **A:** Started paddling around for wreckage,  
 (23) trying to find the EPIRB.  
 (24) **Q:** Did you ever find the EPIRB?  
 (25)

Page 79

*Benjamin Schober*

- (1) **A:** Yes.  
 (2) **Q:** Describe the condition of the EPIRB when  
 (3) you found it.  
 (4) **A:** The antenna on it was exposed, and it  
 (5) was a little beat-up looking.  
 (6) **Q:** Did Mr. Stepski do anything with the  
 (7) EPIRB when he found it?  
 (8) **A:** Yeah. We brought it in the life raft.  
 (9) **Q:** Did you do anything else with it that  
 (10) you know?  
 (11) **A:** We were holding it above our heads. We  
 (12) took turns holding it.  
 (13) **Q:** Did you find anything else while you  
 (14) were paddling through the debris?  
 (15) **A:** Yes.  
 (16) **Q:** What?  
 (17) **A:** Beers, compass, pancake syrup, mustard,  
 (18) soda, flares.  
 (19) **Q:** What did you do with that material that  
 (20) you came across as you were paddling through the  
 (21) debris?  
 (22) **A:** Drank the beers, lit the flares.  
 (23) **Q:** How many beers did you drink?  
 (24) **A:** At least six.  
 (25)

Page 80

*Benjamin Schober*

- (1) **Q:** I may have asked you this, but just let  
 (2) me make sure and go back and see.  
 (3) You say you did not drink any beer with  
 (4) breakfast. Correct?  
 (5) **A:** No.  
 (6) **Q:** How about from the time you finished  
 (7) working the first net and reset it and were  
 (8) repositioning the boat for the second net? Did  
 (9) you stay on the stern the whole time, or did you  
 (10) go up into the pilot house?  
 (11) **A:** When we were working the nets, I was  
 (12) always on the deck of the boat.  
 (13) **Q:** How about when you were repositioning  
 (14) from one net, from the first net to the second  
 (15) net?  
 (16) **A:** I sat on the deck.  
 (17) **Q:** Did you drink a beer during that period  
 (18) of time?  
 (19) **A:** No.  
 (20) **Q:** How long would you say you were in  
 (21) the — how long would you say you were in the life  
 (22) raft before you were rescued by the helicopter?  
 (23) **A:** I guess a few hours.  
 (24) **Q:** Was anyone else in the life raft — did  
 (25)

MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA

BENJAMIN SCHOBER  
March 29, 2007

Page 81

*Benjamin Schober*

- [1] anyone else drink any beer?
- [2] A: No.
- [3] Q: Just you?
- [4] A: Just me.
- [5] Q: Did the beer come up as — did the whole
- [6] 12 pack come to the surface or individual cans?
- [7] A: Individual cans.
- [8] Q: Where was the beer stowed on the Eva
- [9] Claire before the accident?
- [10] A: It was in the — we have, like, an ice
- [11] cooler and — not a cooler, like, a holding tank
- [12] for ice we put on the fish, and it was probably
- [13] just aft the wheel house.
- [14] Q: So it was on deck?
- [15] A: No. Below the deck.
- [16] Q: It was below deck?
- [17] A: Yes.
- [18] Q: So the beer was below deck in the ice
- [19] holding tank?
- [20] A: Yes.
- [21] Q: The 12 pack was just in that holding
- [22] tank all by itself?
- [23] A: Yes.
- [24] Q: Was it wrapped in anything else?
- [25]

Page 82

*Benjamin Schober*

- [1] A: No.
- [2] Q: The 12 pack, did that come, like,
- [3] wrapped in a cardboard box?
- [4] A: It's cardboard, yes.
- [5] Q: Did you put the whole cardboard box in
- [6] the holding tank, or did you take all the beers
- [7] out?
- [8] A: It was in the box, original packaging.
- [9] Q: And they popped to the surface in
- [10] individual cans?
- [11] A: Yes.
- [12] MR. WEIGEL: I would like to mark this
- [13] document as the next exhibit.
- [14] (11-page document entitled Occupational
- [15] Medicine Services Drug Screen Report is marked as
- [16] Schober Exhibit 31 for Identification.)
- [17] Q: Mr. Schober, I put before you a document
- [18] which we've marked as Exhibit 31. And the
- [19] first — it's an 11-page document. The first page
- [20] is a fax cover sheet entitled "US Coast Guard
- [21] Sector, Long Island Sound."
- [22] Have you ever seen this document before?
- [23] A: No.
- [24] Q: After being rescued by the Coast Guard
- [25]

Page 83

*Benjamin Schober*

- [1] and sometime, either on the aircraft or when you
- [2] arrived at the Coast Guard air station in Cape
- [3] Cod, being given a breathalyzer test?
- [4] A: Yes.
- [5] Q: And what was your blood alcohol content
- [6] after the breathalyzer?
- [7] A: I'm not sure.
- [8] Q: You were told what it was?
- [9] A: I believe so.
- [10] Q: Sitting here today, you don't have any
- [11] recollection of what you were told it was?
- [12] A: Not exactly. I think I was just over
- [13] .1.
- [14] Q: You believe it was over .1?
- [15] A: I think so.
- [16] Q: After you were at Coast Guard air
- [17] station in Cape Cod, did you go to a hospital to
- [18] be tested for drugs?
- [19] A: Yes.
- [20] Q: Where was that hospital?
- [21] A: New Bedford.
- [22] Q: And when were you — did you go to the
- [23] hospital in New Bedford?
- [24] A: It was that night after they were done
- [25]

Page 84

*Benjamin Schober*

- [1] questioning us on Cape Cod. I think they said we
- [2] had 24 hours to submit a drug test.
- [3] Q: So you went from the air station at Cape
- [4] Cod to the hospital in New Bedford. Is that
- [5] correct?
- [6] A: Yes.
- [7] Q: Now, if you look at page 5 of this
- [8] document — are you there?
- [9] A: Yes.
- [10] Q: Now, that's got your name, "Ben
- [11] Schober." It says — actually, it has
- [12] "S-c-h-o-b-e-r." But is that actually your date
- [13] of birth and your name?
- [14] A: Yeah, birth date is right.
- [15] Q: On the right-hand side it has a Social
- [16] Security number. Is that your Social Security
- [17] number?
- [18] A: Yes.
- [19] Q: This says that the collection date was
- [20] May 23 at about 12:15 in the morning. Is that
- [21] when you recall arriving at the hospital in New
- [22] Bedford?
- [23] A: I think it was a little earlier than
- [24] that. I don't think it was quite midnight. It
- [25]

**BENJAMIN SCHOBER**  
March 29, 2007

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

Page 85

(1) *Benjamin Schober*  
(2) was late. It was night.  
(3) Q: How did you get from Cape Cod to New  
(4) Bedford?  
(5) A: Mike's wife Kirsten picked us up.  
(6) Q: Were you told by the Coast Guard  
(7) investigators that you were required by Coast  
(8) Guard regulations to provide a sample for a drug  
(9) and alcohol test?  
(10) A: Yes.  
(11) Q: Now, this "Occupational Medicine  
(12) Services Drug Screen Report" indicates that the  
(13) drugs tested for were marijuana, cocaine,  
(14) phenylcyclidine, opiates, and amphetamines.  
(15) A: Right.  
(16) Q: It indicates you tested positive for  
(17) marijuana.  
(18) A: That's right.  
(19) Q: Do you dispute that result?  
(20) A: No.  
(21) Q: Before the accident — how long before  
(22) the accident had you last smoked marijuana?  
(23) A: Probably close to two weeks.  
(24) Q: So in the two weeks prior to going out  
(25) fishing on the Eva Claire, you didn't smoke

Page 86

(1) *Benjamin Schober*  
(2) marijuana at all. Is that your testimony?  
(3) A: That's right.  
(4) Q: You didn't smoke marijuana the night  
(5) before the accident?  
(6) A: No.  
(7) MR. HEALEY: You're getting  
(8) argumentative. He answered that. You just said:  
(9) So in the two weeks beforehand you didn't smoke  
(10) marijuana? He says yes. Doesn't that uncover  
(11) what you were just asking?  
(12) MR. WEIGEL: I'm just trying to make  
(13) sure that his recollection is accurate.  
(14) MR. HEALEY: Okay.  
(15) Q: So it's your testimony that you did not  
(16) smoke marijuana the night before the accident?  
(17) A: No.  
(18) Q: And you did not smoke marijuana the day  
(19) of the accident.  
(20) A: No.  
(21) Q: Is that also your testimony?  
(22) A: That's right.  
(23) Q: When did you first begin using illegal  
(24) drugs?  
(25) MR. HEALEY: I object to the form.

Page 87

(1) *Benjamin Schober*  
(2) Object to the form. You're assuming something  
(3) beyond marijuana, I guess, here, and I wish you'd  
(4) be specific.  
(5) Q: I'll be specific. When did you begin  
(6) using marijuana?  
(7) A: Probably when I was, like, 15.  
(8) Q: And from the time you were 15 until the  
(9) last time you smoked marijuana before the  
(10) accident, how often did you use marijuana on a  
(11) weekly basis?  
(12) A: Not even, probably once every couple of  
(13) weeks.  
(14) Q: So for approximately ten years time,  
(15) from the time you were 15 until — even more than  
(16) that. How old were you when this accident  
(17) happened?  
(18) A: Thirty-one.  
(19) Q: So for over 15 years you regularly  
(20) smoked marijuana every couple of weeks?  
(21) A: No.  
(22) Q: Tell me: How often did you smoke  
(23) marijuana during that 15-year period of time?  
(24) A: I've gone four or five years without  
(25) smoking.

Page 88

(1) *Benjamin Schober*  
(2) Q: In the — all right.  
(3) So let's say in the six months prior to the  
(4) accident, how often did you smoke marijuana?  
(5) A: Once every couple of weeks.  
(6) Q: How much marijuana would you smoke once  
(7) every couple of weeks?  
(8) A: A joint or two.  
(9) Q: Did — Mr. Stepski or Mr. Roderick, did  
(10) you ever smoke marijuana with either one of them?  
(11) A: No.  
(12) Q: Did Mr. Stepski know that you were a  
(13) regular user of marijuana?  
(14) A: I don't think so.  
(15) Q: How about Mr. Schober?  
(16) A: Mr. Roderick?  
(17) Q: I'm sorry. You're Mr. Schober.  
(18) Mr. Roderick?  
(19) A: No.  
(20) Q: Any members of your family know that you  
(21) regularly smoke marijuana?  
(22) A: My brother.  
(23) Q: So if Mr. Stepski had inquired about  
(24) your background from members of your family, he  
(25) could have found out that you regularly used



Page 89

(1) *Benjamin Schober*  
 (2) marijuana. Is that correct?  
 (3) MR. HEALEY: It's a guess, but I object  
 (4) to the form. You can guess with him.  
 (5) A: Yes. There's no secrets.  
 (6) MR. WEIGEL: I have no further questions  
 (7) for now. I reserve the right to ask a follow-up  
 (8) after — actually, no. Actually, let me do one  
 (9) thing. Let me do one thing before he takes over.  
 (10) MR. HEALEY: Off the record.  
 (11) (There is a recess taken.)  
 (12) BY MR. WEIGEL:  
 (13) Q: Mr. Schober, besides marijuana, have you  
 (14) ever used any other illegal drugs?  
 (15) A: Illegal?  
 (16) Q: Illegal drugs, yes.  
 (17) A: No.  
 (18) Q: Now, what was your agreement with  
 (19) Mr. Stepski regarding how you would be paid for  
 (20) your work on board the Eva Claire?  
 (21) A: I get paid a share.  
 (22) Q: And what share were you — was the  
 (23) agreement to get paid?  
 (24) A: I don't know exactly what my share was.  
 (25) Seeing how I was just starting, I'm sure it wasn't

Page 90

(1) *Benjamin Schober*  
 (2) a full share.  
 (3) Q: Well, were you paid for your — you made  
 (4) a trip about two weeks, you said, before the  
 (5) incident — before the accident. Did you go to  
 (6) the same set of nets during that trip as you had  
 (7) done — the first trip, did it go to the same set  
 (8) of nets as you went to during the accident?  
 (9) A: Yes.  
 (10) Q: And did you pull the nets and pick fish  
 (11) out of the nets?  
 (12) A: Yes.  
 (13) Q: And did you fill up all the fishing  
 (14) pens, the fish pens on that trip?  
 (15) A: Not quite.  
 (16) Q: And took that fish back to New London?  
 (17) A: Yes.  
 (18) Q: And off-loaded it?  
 (19) A: Yes.  
 (20) Q: And did you get paid for that trip?  
 (21) A: Yes.  
 (22) Q: Do you recall how much you got paid for  
 (23) that trip?  
 (24) A: Around \$400.  
 (25) Q: And did you have any — did Mike Stepski

Page 91

(1) *Benjamin Schober*  
 (2) explain to you how he came up with the figure of  
 (3) \$400 for your — as your salary for that trip?  
 (4) A: No.  
 (5) Q: Did you ever inquire from Mr. Stepski  
 (6) about how your payment for your services on board  
 (7) the Eva Claire would be calculated?  
 (8) A: Not exactly.  
 (9) Q: Well, how about: Did you ever ask him  
 (10) inexactly?  
 (11) A: Yes.  
 (12) Q: All right. What conversation did you  
 (13) have with him about how you would be paid for your  
 (14) services on the Eva Claire?  
 (15) A: Well, you work for a percentage of the  
 (16) catch. It varies on the price of the fish.  
 (17) Q: And he never told you what the  
 (18) percentage was?  
 (19) A: No.  
 (20) Q: And you never asked him?  
 (21) A: No.  
 (22) Q: And do you know if that percentage was  
 (23) based on the gross income from the fish, or were  
 (24) other expenses taken out first, and you were paid  
 (25) out of the net income?

Page 92

(1) *Benjamin Schober*  
 (2) A: Yeah, other expenses are taken out.  
 (3) Q: They were taken out first?  
 (4) A: Yes.  
 (5) Q: And then your share was calculated?  
 (6) A: Yes.  
 (7) Q: Describe for me, please, what you are  
 (8) claiming in a general way, not specifically, but  
 (9) in a general way what you're claiming as your  
 (10) losses for this incident.  
 (11) A: Feeling — feeling of not being able to  
 (12) go out on the sea safely.  
 (13) MR. HEALEY: I don't think that's what  
 (14) you asked. Maybe I misunderstood. I thought you  
 (15) were still talking about money.  
 (16) Q: Well, among other things, I'm talking  
 (17) about money. You're claiming an emotional loss?  
 (18) A: Yes.  
 (19) Q: How about financial losses? What  
 (20) financial losses are you claiming?  
 (21) A: My financial losses are minimal.  
 (22) Q: Well, are you making any claim for  
 (23) financial losses at all?  
 (24) MR. HEALEY: Yes, he is. And they're  
 (25) minimal. Off the record a minute.



**BENJAMIN SCHOBBER**

March 29, 2007

**MICHAEL STEPSKI v.****THE M/V NORASIA ALYA**

Page 93

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] MR. WEIGEL: No. Let's stay on the  
 [3] record. I would appreciate it, Mr. Healey, if  
 [4] you'd not testify.  
 [5] MR. HEALEY: I'm staying on the record.  
 [6] You don't have to explain about it.  
 [7] MR. WEIGEL: I would appreciate it if  
 [8] you would not testify on behalf of your client.  
 [9] MR. HEALEY: I don't appreciate you  
 [10] making that insinuation. That has never occurred  
 [11] between the three of us.  
 [12] MR. WEIGEL: Well, you just did. I  
 [13] asked him if he was claiming a loss, and you  
 [14] answered for him, so let's get his answer.  
 [15] MR. HEALEY: However you read that,  
 [16] Alan, that's how you read it. I'm sorry you did.  
 [17] Q: So are you claiming a loss, financial  
 [18] loss as a result of this incident?  
 [19] A: Yes.  
 [20] Q: And how much of a financial loss are you  
 [21] claiming as a result of this incident?  
 [22] A: Probably 500 bucks, clothing, gear.  
 [23] Q: Have you ever prepared a financial loss  
 [24] statement that outlines in detail how much your  
 [25] loss is for this incident?

Page 94

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] A: No.  
 [3] Q: Your answer is no?  
 [4] A: No.  
 [5] Q: Are you planning on preparing one in the  
 [6] future?  
 [7] A: I wasn't really — I don't know.  
 [8] Q: Well, are you willing to stipulate today  
 [9] that your financial losses are only \$500 from the  
 [10] incident?  
 [11] MR. HEALEY: That's an improper  
 [12] question. Stipulations are between attorneys.  
 [13] Q: Is it your testimony here today that  
 [14] your sole financial losses as a result of this  
 [15] incident were \$500?  
 [16] A: I don't think I'm prepared to testify to  
 [17] that today.  
 [18] Q: What would you have to do to be able to  
 [19] determine what your financial losses were from  
 [20] this incident?  
 [21] A: I'd write them down, figure it out.  
 [22] Q: Are you planning on doing that sometime  
 [23] in the future?  
 [24] A: Yes, probably.  
 [25] MR. WEIGEL: Well, we ask Mr. Healey

Page 95

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] that he please produce for us a statement of  
 [3] financial loss for Mr. Schober, as has been done  
 [4] for Mr. Stepski and Mr. Roderick.  
 [5] MR. HEALEY: I will make no such  
 [6] agreement. I will, of course, as we go along,  
 [7] prepare a pretrial order. The papers set forth  
 [8] the legal basis. That is my job as an attorney to  
 [9] formulate. And you will get a detailed basis of  
 [10] what claims are being made by Mr. Schober.  
 [11] Q: Besides the loss of your personal gear,  
 [12] which you said amounts to about \$500 — is that  
 [13] your estimate?  
 [14] A: Probably.  
 [15] Q: — did you have any loss of income as a  
 [16] result of this incident?  
 [17] A: I was out of work for couple of months.  
 [18] Q: You were out of work for two months.  
 [19] Correct?  
 [20] A: Right.  
 [21] Q: You had been out of work for five months  
 [22] prior to starting work with Mr. Stepski. Correct?  
 [23] A: Right, about that, yeah.  
 [24] Q: And you did two trips on the Eva Claire,  
 [25] and then you were out of work for two months.

Page 96

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] Right?  
 [3] A: Correct.  
 [4] Q: What do you estimate your loss of income  
 [5] was for the two months that you were out of work?  
 [6] A: Probably 4 or 5,000.  
 [7] Q: And what's the basis for you claiming  
 [8] that you lost 4 or \$5,000 of income for being out  
 [9] of work for two months?  
 [10] A: Well, 400 bucks a couple times a week  
 [11] over the course of two months.  
 [12] Q: So let me see if I understand this. You  
 [13] said that you expected to make \$400 a couple times  
 [14] a week?  
 [15] A: That's right.  
 [16] Q: What was — what's your basis for  
 [17] thinking you could have earned \$400 a couple of  
 [18] times a week?  
 [19] A: He said that's about average that time  
 [20] of the year.  
 [21] Q: So when you say a "couple times a week,"  
 [22] are you saying maybe two times a week?  
 [23] A: Yes.  
 [24] Q: So that's \$800 a week?  
 [25] A: Right.

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBER**  
March 29, 2007

Page 97

**Benjamin Schober**

[1] Q: When you started working on the lobster  
[2] boat for Dick Sawyer, how much — what were you  
[3] earning per week with him?  
[4] A: About 400 a week.  
[5] Q: So you were earning 400 a week with him?  
[6] A: Right.  
[7] Q: And when you started on the Melissa  
[8] Jayne, how much were you earning per week on the  
[9] Melissa Jayne?  
[10] A: About a thousand dollars.  
[11] Q: Per week?  
[12] A: Yes.  
[13] Q: When you were fishing on the Mystic Way,  
[14] what were you earning per week on the Mystic Way?  
[15] A: About 2500.  
[16] Q: Per week?  
[17] A: Yes.  
[18] Q: Did you file an income tax return in  
[19] 2004?  
[20] A: No.  
[21] Q: Why not?  
[22] A: I was incarcerated.  
[23] Q: Well, you were only incarcerated for  
[24] part of 2004. Correct?  
[25]

Page 98

**Benjamin Schober**

[1] A: Right.  
[2] Q: So you did earn income in 2004.  
[3] Correct?  
[4] A: Yes.  
[5] Q: Do you have any idea today what your  
[6] total income was for 2004?  
[7] A: No.  
[8] Q: And you never went back after you were  
[9] released from prison and filed your 2004 income  
[10] tax return?  
[11] A: No, I don't think so.  
[12] Q: Did you file an income tax return in —  
[13] how much income do you recall having in 2005?  
[14] A: Probably about 35,000.  
[15] Q: You were only —  
[16] A: No, that's not correct.  
[17] Q: 2005 you were only out of jail for about  
[18] a little less than two months. Correct?  
[19] A: Yeah. I didn't have an income in 2005.  
[20] Q: How about last year? How much was your  
[21] income?  
[22] A: About 35,000.  
[23] Q: Have you filed your income tax returns —  
[24] for 2006 yet?  
[25]

Page 99

**Benjamin Schober**

[1] A: Not yet.  
[2] MR. WEIGEL: Mr. Healey, we'll make a  
[3] request that when Mr. Schober files his income tax  
[4] return for 2006, that we be provided a copy.  
[5] MR. HEALEY: Yes, Federal income tax,  
[6] we'll get them and produce them.  
[7] Q: Do you have — since you didn't file an  
[8] income tax return in 2004, do you have records of  
[9] your earnings in 2004? Do you still have them?  
[10] A: No.  
[11] Q: What happened to your record of earnings  
[12] for 2004?  
[13] A: I don't know. Lost them.  
[14] Q: When you got paid by Mr. Stepski for the  
[15] first trip that you made on the Eva Claire, did he  
[16] just hand you \$400 in cash, or did he write a  
[17] check?  
[18] A: It was a check.  
[19] Q: And how about Melissa Jayne when you  
[20] were making a thousand dollars a week — I'm  
[21] sorry. The lobster — let's start with the  
[22] lobster fisherman.  
[23] When you were making \$400 a week with  
[24] Mr. Sawyer, how were you paid? Cash or check?  
[25]

Page 100

**Benjamin Schober**

[1] A: Check.  
[2] Q: Did Mr. Sawyer provide you with any  
[3] other kind of documentation, such as a pay  
[4] statement showing how much he paid you?  
[5] A: No.  
[6] Q: Just a check? That was the sole record  
[7] that you had of being paid?  
[8] A: Yes.  
[9] Q: What did you do with that check?  
[10] A: Cashed it.  
[11] Q: Did you cash it for cash, or did you  
[12] deposit it into some kind of a bank account?  
[13] A: Cashed it for cash.  
[14] Q: How about for the Melissa Jayne? You  
[15] were paid in cash or check?  
[16] A: Check.  
[17] Q: And what did you do with the checks when  
[18] you received them?  
[19] A: Deposited them into a bank account.  
[20] Q: So you would have bank records showing  
[21] the deposits of a thousand dollars a week for  
[22] the — from about July through the end of November  
[23] on Melissa Jayne for 2004?  
[24] A: I could probably get them.  
[25]

BENJAMIN SCHOBER

March 29, 2007

b7c

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MICHAEL STEPSKI v.

THE M/V NORASIA ALYA

Page 101

**Benjamin Schober**

(1) **MR. WEIGEL:** Mr. Healey, we're going to  
(2) call for the production of Mr. — I would not  
(3) normally ask for someone's bank records, but under  
(4) the circumstances, there's no other way to prove  
(5) his income for 2004, and we'd like a copy of his  
(6) bank records from 2004 showing his income.  
(7) **MR. HEALEY:** If there's nothing peculiar  
(8) about them, yes. Otherwise, I agree with you.  
(9) We'll get all these records that we can put  
(10) together his earning history.

(11) **MR. WEIGEL:** Okay.

(12) **Q:** I think 2004 is apparently the year  
(13) that — he said he had no income in 2005, so 2004  
(14) is the year we'd like to see his income records  
(15) for.

(16) **MR. HEALEY:** No. We're in agreement,  
(17) Mr. Weigel. While you're asking for that, I'll  
(18) give it to you broader. Anything that we can get  
(19) that will help all of us to see some kind of  
(20) reasonable basis, I'll get it for you.

(21) **MR. WEIGEL:** It's 12:30. We'll go off  
(22) the record. I'm done.

(23) (There is a recess taken.)

(24)

Page 102

**Benjamin Schober**  
**CROSS-EXAMINATION**  
**BY MR. UNGER:**

(1) **Q:** Good afternoon, Mr. Schober. My name is  
(2) Mike Unger. We met before, earlier this morning  
(3) up in the lobby. I'm going to ask you some  
(4) questions now, hopefully not repeating anything  
(5) that Mr. Weigel asked you, but there are a couple  
(6) of gaps that I want to fill in just to make the  
(7) record clear. Same ground rule. Mr. Weigel told  
(8) you about, I'll ask you to follow with me. Okay?

(9) **A:** Okay.

(10) **Q:** In terms of your employment, you were at  
(11) Mohican Sun for about a year?

(12) **A:** Yes.(13) **Q:** That was around 2002. Correct?

(14) **A:** I believe it was the year 2000 I worked  
(15) there.

(16) **Q:** Around 2000. Okay. What did you do  
(17) after you left Mohican Sun?

(18) **A:** I went to work for a local sports bar.(19) **Q:** What was that called?(20) **A:** Pin Stripes Sports Cafe.(21) **Q:** Where is that?(22) **A:** Norwich.

Page 103

**Benjamin Schober**

(1) **Q:** How long were you at Pin Stripes?  
(2) **A:** About 3 1/2 years.  
(3) **Q:** Okay. And where did you go after Pin  
(4) Stripes?  
(5) **A:** I was unemployed for a few months. They  
(6) went out of business. And then I started working  
(7) for Mike Stepski on Rte 1A in Norwalk.  
(8) **Q:** Were you fired from any of the jobs as a  
(9) cook?  
(10) **A:** No. I was actually laid off from the  
(11) Norwich Inn. I was terminated.

(12) **Q:** How long were you unemployed before you  
(13) started working with Mike Stepski?  
(14) **A:** Four months.

(15) **Q:** How much were you making a year at Pin  
(16) Stripes?  
(17) **A:** Around 40,000.

(18) **Q:** The suit you filed up in Boston, how  
(19) much did you sue for?  
(20) **A:** I was, like, 2800.

(21) **Q:** Is that how much you were paid total  
(22) settlement?  
(23) **A:** That was the total.

(24) **Q:** And did the lawyer take a —  
(25) **A:** I paid the lawyer 2800.

Page 104

b7c

**Benjamin Schober**

(1) **Q:** Is that how much you were paid total  
(2) settlement?  
(3) **A:** That was the total.  
(4) **Q:** And did the lawyer take a —  
(5) **A:** I paid the lawyer 2800.

(6) **Q:** How long were you married?  
(7) **A:** Yes.  
(8) **Q:** When were you married?  
(9) **A:** I was married for about a year.

(10) **Q:** What was the name of your wife?  
(11) **A:** I was married for about a year.

(12) **Q:** How long were you married?  
(13) **A:** I was married for about a year.

(14) **Q:** And are you still married?  
(15) **A:** No. I'm divorced.

(16) **Q:** When did you get divorced?  
(17) **A:** August of last year, '06.

(18) **Q:** Were you just married the one time?  
(19) **A:** Yes.

(20) **Q:** Did the accident aboard the Eva Claire  
(21) have anything to do with the dissolution of your  
(22) marriage?

(23) **A:** No.  
(24) **Q:** When did you file the suit against  
(25) Mr. Lamb in connection with the accident you had  
on the Melissa Jayne?



**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

Page 105

*Benjamin Schober*

- [1] A: Last fall sometime, late September.  
[2] Q: September of '06?  
[3] A: Yes.  
[4] Q: And the boat you're working on now, what  
[5] is the name of it?  
[6] A: The Mystic Way.  
[7] Q: W-a-y?  
[8] A: Yes.  
[9] Q: Did Mr. Stepski know you were bringing  
[10] beer on board the Eva Claire the day of the  
[11] accident?  
[12] A: I believe so, yes. Yes, he knew.  
[13] Q: Did you have his permission to do that?  
[14] A: Yes.  
[15] Q: After the accident, you said that some  
[16] of the beer cans floated to the surface?  
[17] A: Yes.  
[18] Q: How many did you pick up and bring into  
[19] the raft?  
[20] A: Six or eight.  
[21] Q: Was that all that you were able to find?  
[22] A: Yes.  
[23] Q: What is the name of your brother?  
[24] A: Robert Schober.  
[25]

Page 106

*Benjamin Schober*

- [1] Q: Your middle initial is "P." Is that  
[2] correct?  
[3] A: Yes.  
[4] Q: What does that stand for?  
[5] A: Philip.  
[6] Q: P-h-i-l-i-p?  
[7] A: Yes.  
[8] Q: Have you — you've had several DUI  
[9] arrests. Correct?  
[10] A: Yes.  
[11] Q: Okay. Have you ever had any counseling  
[12] for alcohol abuse?  
[13] A: Yes.  
[14] Q: When was the first time you had  
[15] counseling for alcohol?  
[16] A: '95, my first DUI.  
[17] Q: Was that mandated as part of your court  
[18] process?  
[19] A: Yes.  
[20] Q: And where did you have that?  
[21] A: New Haven.  
[22] Q: How long did that last?  
[23] A: Twelve weeks.  
[24] Q: Was that an Alcoholics Anonymous type of  
[25]

Page 107

*Benjamin Schober*

- [1] program?  
[2] A: An alcohol education class.  
[3] Q: When was the next time that you had  
[4] alcohol counseling?  
[5] A: '99.  
[6] Q: Where was that?  
[7] A: Norwich.  
[8] Q: Court ordered again?  
[9] A: Yes.  
[10] Q: How long did that last?  
[11] A: About three or four months.  
[12] Q: Same type of program you went through  
[13] before in '95?  
[14] A: No. That was more — that was  
[15] out-patient counseling.  
[16] Q: Which was out-patient? '95 or '99?  
[17] A: '99. It was later than '99. It was,  
[18] like, 2003.  
[19] Q: What was the name of the place that you  
[20] went to?  
[21] A: SCADD, S-C-A-D-D.  
[22] Q: I take it that stands for something?  
[23] A: Yeah, Southeastern Counseling on Alcohol  
[24] Drug something.  
[25]

Page 108

*Benjamin Schober*

- [1] Q: Was — the '95, was that an inpatient  
[2] class or an out-patient?  
[3] A: Out-patient.  
[4] Q: What was the next time that you received  
[5] counseling for alcohol?  
[6] A: It was in the halfway house I was in. I  
[7] had to take drug and alcohol classes, just part of,  
[8] being there.  
[9] Q: Do you consider yourself to be an  
[10] alcoholic?  
[11] A: Yeah.  
[12] Q: Do you still drink alcohol today?  
[13] A: Not today, but I do, yes.  
[14] Q: Not necessarily. Did you have a drink  
[15] today?, but up —  
[16] A: In this period of time, yes.  
[17] Q: Okay. Have you had any other counseling  
[18] for alcohol besides in '95 and 2003 and through  
[19] the halfway house program?  
[20] A: No.  
[21] Q: And the halfway house, just so we're  
[22] clear, was in 2005?  
[23] A: Right.  
[24] Q: When did you complete your 2003 alcohol  
[25]

**BENJAMIN SCHOB**  
March 29, 2007

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

Page 109

**Benjamin Schober**  
[1] program?  
[2] **A:** It was in the spring of '04.  
[3] **Q:** Do you remember when?  
[4] **A:** I believe it was April.  
[5] **Q:** Were you given any kind of  
[6] documentation?  
[7] **A:** Yes, I have a certificate.  
[8] **Q:** Were you given any written materials in  
[9] the course of that 2003/2004 program?  
[10] **A:** Yeah, yes.  
[11] **Q:** Do you still have those?  
[12] **A:** Yes.  
[13] **Q:** I would ask that you provide that to  
[14] Mr. Healey so that he can make those available to  
[15] us.  
[16] **A:** Okay.  
[17] **MR. HEALEY:** Yeah. Let me look at them  
[18] before I make a blanket statement. You'll supply  
[19] them to me, and then we'll do what is proper.  
[20] **MR. UNGER:** Okay.  
[21] **Q:** In terms of the 2005 alcohol counseling,  
[22] were you given any kind of written materials in  
[23] connection with that?  
[24] **A:** Yes, I was.  
[25]

Page 110

**Benjamin Schober**  
[1] **Q:** Do you still have those materials?  
[2] **A:** I don't believe so. It's just a  
[3] certificate.  
[4] **Q:** You got a certificate in 2005 as well.  
[5] Right?  
[6] **A:** Yes.  
[7] **Q:** I'll ask you to give Mr. Healey —  
[8] **MR. HEALEY:** Same thing, yes. Why don't  
[9] we make it a blanket?  
[10] **MR. UNGER:** That's fine.  
[11] **MR. HEALEY:** Any papers that you have  
[12] obtained about an alcohol — alcohol program and  
[13] the like, look for them and give them to me.  
[14] **THE WITNESS:** Okay.  
[15] **Q:** You're not presently involved in any  
[16] alcohol counseling programs. Correct?  
[17] **A:** Correct.  
[18] **Q:** Do you have an intention to enroll in  
[19] any such programs?  
[20] **A:** No.  
[21] **Q:** Did you sustain any physical injuries as  
[22] a result of the accident aboard the Eva Claire?  
[23] **A:** No.  
[24] **Q:** Am I correct that the only damages that  
[25]

Page 111

**Benjamin Schober**  
[1] you're claiming for noneconomic loss, meaning lost  
[2] wages and for the loss of your gear, is in respect  
[3] of some kind of emotional damages?  
[4] **A:** Yes.  
[5] **Q:** Who is your family doctor?  
[6] **A:** Dr. Hong.  
[7] **Q:** Spell it.  
[8] **A:** H-o-n-g.  
[9] **Q:** First name?  
[10] **A:** I don't know.  
[11] **Q:** Where is Dr. Hong located?  
[12] **A:** Norwich.  
[13] **Q:** How long has Dr. Hong been your family  
[14] doctor?  
[15] **A:** He's been seeing me for about six years  
[16] or so, maybe seven years. He's been our family's  
[17] doctor for as long as I can remember.  
[18] **Q:** Have you seen any other doctors besides  
[19] Dr. Hong in the last six or seven years?  
[20] **A:** Not as general practice, no.  
[21] **Q:** And Dr. Hong is a medical doctor.  
[22] Correct?  
[23] **A:** Yes.  
[24] **Q:** General practitioner?  
[25]

Page 112

**Benjamin Schober**  
[1] **A:** Yes.  
[2] **Q:** Have you seen any other medical doctors  
[3] besides Dr. Hong in the last six or seven years?  
[4] **A:** I went to see a doctor for my finger I  
[5] got injured.  
[6] **Q:** Where was that doctor located?  
[7] **A:** New Bedford.  
[8] **Q:** What was that doctor's name?  
[9] **A:** I don't know. It was New Bedford  
[10] Medical Clinic.  
[11] **Q:** Have you seen any other medical doctors?  
[12] **A:** No.  
[13] **Q:** Have you seen any mental health  
[14] professionals in the last six or seven years?  
[15] **A:** No.  
[16] **Q:** Have you been recommended to see any  
[17] mental health professionals in the last six or  
[18] seven years?  
[19] **A:** Yes.  
[20] **Q:** Who made that recommendation?  
[21] **A:** My attorney, family, friends.  
[22] **Q:** When you say "my attorney," are you  
[23] speaking of Mr. Healey or Mr. Stevens or both?  
[24] **A:** Both.  
[25]

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBER  
March 29, 2007**

Page 113

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] Q: Have they given you a name of somebody  
[3] to see?  
[4] A: No.  
[5] Q: When did Mr. Healey or Mr. Stevens make  
[6] that recommendation to you?  
[7] A: When I started meeting with him.  
[8] Q: When was that?  
[9] A: I don't exactly know.  
[10] THE WITNESS: Was it a year ago?  
[11] MR. HEALEY: Don't know. Don't ask me.  
[12] Off the record.  
[13] (Off-record discussion.)  
[14] A: A year and a half, let's say a year and  
[15] a half.  
[16] Q: Okay, a year and a half is your best  
[17] estimate?  
[18] A: Yes.  
[19] Q: Was there a reason that there was a  
[20] recommendation made for you to see a mental health  
[21] professional?  
[22] A: Just to deal with the problems that I  
[23] have.  
[24] Q: Was there a particular type of mental  
[25] health professional which Mr. Healey or

Page 115

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] A: Shortly after the accident.  
[3] Q: Within how many days or weeks? Can you  
[4] estimate it?  
[5] A: Within a couple of weeks.  
[6] Q: Have you had one or more than one  
[7] discussion with your parents about seeing a mental  
[8] health professional?  
[9] A: More than one.  
[10] Q: About how many times have you discussed  
[11] it?  
[12] A: Five or six.  
[13] Q: When was the last time that you  
[14] discussed it?  
[15] A: Probably about a year ago.  
[16] Q: Did they recommend anybody in particular  
[17] for you to go see?  
[18] A: No.  
[19] Q: Has anybody in your family ever been  
[20] treated by a mental health professional?  
[21] A: No.  
[22] Q: Your brother also recommended that you  
[23] see somebody?  
[24] A: Yes.  
[25] Q: When was that recommendation made?

Page 114

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] Mr. Stevens recommended you to see?  
[3] A: It was recommended to see someone who  
[4] specializes in PTSD.  
[5] Q: What is PTSD?  
[6] A: Post-traumatic stress disorder.  
[7] Q: Were you recommended to see a  
[8] psychiatrist, a psychologist, a therapist, any —  
[9] A: Counselor.  
[10] Q: But you've not seen any type of mental  
[11] health professional. Correct?  
[12] A: No, I have not.  
[13] Q: Do you have health insurance?  
[14] A: No.  
[15] Q: You mentioned that family have suggested  
[16] that you see a mental health professional. What  
[17] family members have told you that?  
[18] A: My parents, my brother.  
[19] Q: What are your parents' names?  
[20] A: Maren —  
[21] Q: Can you spell it?  
[22] A: M-a-r-e-n. And Albert. Same last name.  
[23] Q: When did your parents make the  
[24] suggestion that you see a mental health  
[25] professional?

Page 116

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] A: About all the time. He mentioned  
[3] something a couple weeks ago about it.  
[4] Q: What did he say a couple of weeks to  
[5] you?  
[6] A: Asking me why I don't go see a doctor  
[7] and talk to him about my problems.  
[8] Q: Where does your brother live?  
[9] A: Montville, Connecticut.  
[10] Q: You mentioned friends have also  
[11] suggested that you see someone?  
[12] A: Yes.  
[13] Q: Can you give me their names, please?  
[14] A: Yes. Cherylynn, C-h-e-r-y-l-y-n-n  
[15] Lombardo, L-o-m-b-a-r-d-o.  
[16] Q: Okay. Who else?  
[17] A: That's about it.  
[18] Q: Where does Ms. Lombardo live?  
[19] A: Montville, Connecticut.  
[20] Q: How long have you known Ms. Lombardo?  
[21] A: About 28 years.  
[22] Q: Did she mention anybody in particular to  
[23] go see?  
[24] A: No.  
[25] Q: Do you know if she's ever seen a mental



THE M/V NOBASILIA ALYA

Page 117

Page 119

Page 118

Page 120

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

Page 121	Page 123
<p>(1) <i>Benjamin Schober</i></p> <p>(2) health professional and found out how much it</p> <p>(3) costs?</p> <p>(4) A: Yes, I've priced that.</p> <p>(5) Q: Okay. What did you do to price what it</p> <p>(6) would cost to go see a mental health professional</p> <p>(7) for PTSD?</p> <p>(8) A: Basically I asked the guys that I know</p> <p>(9) that are going to see the counselor what they pay</p> <p>(10) for their classes.</p> <p>(11) Q: The "guys" being Mr. Stepski and</p> <p>(12) Mr. Roderick?</p> <p>(13) A: Yes.</p> <p>(14) Q: Did they tell you as well that they were</p> <p>(15) going to see a Dr. Small who offered to collect</p> <p>(16) only half her normal fee and await for the end of</p> <p>(17) this litigation?</p> <p>(18) A: I remember something about that.</p> <p>(19) Q: Okay.</p> <p>(20) A: I think that was an option, anyways.</p> <p>(21) Q: Okay. So that was about \$50 each</p> <p>(22) session?</p> <p>(23) A: About that.</p> <p>(24) Q: But the \$50 a session is not affordable</p> <p>(25) for you. Is that correct?</p>	<p>(1) <i>Benjamin Schober</i></p> <p>(2) yes.</p> <p>(3) Q: Where were those articles?</p> <p>(4) A: Newspaper.</p> <p>(5) Q: Which newspaper do you read?</p> <p>(6) A: New London Day.</p> <p>(7) Q: Anywhere else?</p> <p>(8) A: No. That's it.</p> <p>(9) Q: The New London Day is your only source</p> <p>(10) for anything you've ever read about PTSD?</p> <p>(11) A: I think I read something on line.</p> <p>(12) Q: Where was that, what web site?</p> <p>(13) A: I don't know. I Googled "PTSD," and</p> <p>(14) whatever came up.</p> <p>(15) Q: When was that?</p> <p>(16) A: Shortly after the accident.</p> <p>(17) Q: How did you know to Google "PTSD"?</p> <p>(18) A: Well, that's what I was being</p> <p>(19) recommended to see counseling in, so that's what I</p> <p>(20) Googled.</p> <p>(21) Q: Who was recommending at this point in</p> <p>(22) time?</p> <p>(23) A: My parents.</p> <p>(24) Q: Had you ever heard of PTSD before the</p> <p>(25) Eva Claire incident?</p>
Page 122	Page 124
<p>(1) <i>Benjamin Schober</i></p> <p>(2) A: It was more so I couldn't miss the time</p> <p>(3) from work. Especially working for a week at a</p> <p>(4) time, it gets impossible to schedule appointments</p> <p>(5) like that on a regular basis.</p> <p>(6) Q: What else have Mr. Roderick and</p> <p>(7) Mr. Stepski told you about their own mental health</p> <p>(8) counseling?</p> <p>(9) A: It was tough for them to go, too, but</p> <p>(10) these guys fished -- they were day trips. They're</p> <p>(11) home in their own beds every night, so it's easier</p> <p>(12) for them to schedule appointments. But the</p> <p>(13) classes that they did take were very helpful to</p> <p>(14) them.</p> <p>(15) Q: Did they go into detail about what the</p> <p>(16) classes did or what they discussed, those kinds of</p> <p>(17) things?</p> <p>(18) A: No.</p> <p>(19) Q: Did you ever do any studying on your own</p> <p>(20) concerning PTSD?</p> <p>(21) A: No.</p> <p>(22) Q: Have you read any articles or books or</p> <p>(23) magazines or seen any kind of videos concerning</p> <p>(24) PTSD?</p> <p>(25) A: I've read a couple of articles on it,</p>	<p>(1) <i>Benjamin Schober</i></p> <p>(2) A: No.</p> <p>(3) Q: Did you print out any of the information</p> <p>(4) that you saw on the computer?</p> <p>(5) A: No.</p> <p>(6) Q: Did you save any of the New London Day</p> <p>(7) articles?</p> <p>(8) A: No.</p> <p>(9) Q: Have you had any discussions with any</p> <p>(10) nonmental health professionals as to what the</p> <p>(11) signs and symptoms of PTSD are?</p> <p>(12) A: No.</p> <p>(13) Q: Now, you mentioned that you have some</p> <p>(14) problems that you believe relate to the incident</p> <p>(15) aboard the Eva Claire. Correct?</p> <p>(16) A: Yes.</p> <p>(17) Q: Okay. Can you tell me what those</p> <p>(18) problems are?</p> <p>(19) A: Problems sleeping, fear, anxiety.</p> <p>(20) Q: When did you first know that you were</p> <p>(21) having problems sleeping?</p> <p>(22) A: Immediately.</p> <p>(23) Q: Have you ever had problems sleeping</p> <p>(24) before?</p> <p>(25) A: No.</p>

**BENJAMIN SCHOBBER**

March 29, 2007

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

Page 125

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] Q: Tell me more particularly in terms of  
 [3] what type of problem you were having sleeping.  
 [4] Would you wake up in the middle of the night?  
 [5] A: Yes.  
 [6] Q: Could you not fall asleep? Something  
 [7] else?  
 [8] A: Both. I had problems falling asleep and  
 [9] staying asleep.  
 [10] Q: Did you take any kind of medication to  
 [11] help you sleep?  
 [12] A: No. Yeah, I did. I had — at first I  
 [13] was taking Xanax.  
 [14] Q: When did you start taking the Xanax?  
 [15] A: A couple of weeks after the accident.  
 [16] Q: Where did you get the Xanax?  
 [17] A: Dr. Hong prescribed it for me.  
 [18] Q: Did you discuss the accident with  
 [19] Dr. Hong?  
 [20] A: Yes.  
 [21] Q: What did you tell Dr. Hong?  
 [22] A: A brief description of the accident and  
 [23] that I had problems sleeping.  
 [24] Q: Did you tell him anything else?  
 [25] A: That's about it.

Page 126

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] Q: So problems sleeping was the only — was  
 [3] the only complaint that you had when you saw  
 [4] Dr. Hong?  
 [5] A: Yes.  
 [6] Q: Okay. When was that, that you first saw  
 [7] Dr. Hong after the accident?  
 [8] A: About two weeks afterwards.  
 [9] Q: Have you been back to Dr. Hong since?  
 [10] A: No.  
 [11] Q: The last time you saw Dr. Hong was  
 [12] sometime in or about June of 2004?  
 [13] A: Yes.  
 [14] Q: Okay. Did Dr. Hong give you a  
 [15] prescription for the Xanax?  
 [16] A: Yes.  
 [17] Q: Where did you have that prescription  
 [18] filled?  
 [19] A: I believe it was at Brooks Pharmacy.  
 [20] Q: Where is that located?  
 [21] A: Montville, Connecticut.  
 [22] Q: Was there a refill on the prescription?  
 [23] A: No.  
 [24] Q: So how long did you take the Xanax for?  
 [25] A: A couple of months.

Page 127

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] Q: Did you take it every day?  
 [3] A: Yes.  
 [4] Q: One pill or more than one pill?  
 [5] A: I believe it was two.  
 [6] Q: Did it help you sleep?  
 [7] A: Yes.  
 [8] Q: Did you have any problems sleeping after  
 [9] you finished your prescription of the Xanax?  
 [10] A: Mostly when I was in jail.  
 [11] Q: Did the problems sleeping when you were  
 [12] in jail have anything to do with the accident, or  
 [13] was that a by-product of the fact that you were in  
 [14] jail?  
 [15] A: Both.  
 [16] Q: I would imagine it's not easy to sleep  
 [17] in jail, in any event.  
 [18] A: Right, of course not.  
 [19] Q: Even if you had never had the accident  
 [20] on the Eva Claire, do you think you would have had  
 [21] the same issue in terms of trying to sleep in  
 [22] jail?  
 [23] A: Yeah.  
 [24] Q: After you got out of jail, did the  
 [25] problems with having difficulty sleeping go away?

Page 128

*Benjamin Schober*

[1] *Benjamin Schober*  
 [2] A: Somewhat, somewhat.  
 [3] Q: When you say "somewhat," can you  
 [4] describe what you mean?  
 [5] A: It wasn't as bad.  
 [6] Q: When you say, "It wasn't as bad," do you  
 [7] mean it wasn't as frequent, or it didn't keep you  
 [8] up as long or as much?  
 [9] A: Both.  
 [10] Q: Do you still have trouble sleeping now?  
 [11] A: Sometimes.  
 [12] Q: Have you considered going back to  
 [13] Dr. Hong and asking for some more Xanax?  
 [14] A: Yes, I considered it.  
 [15] Q: Why is it that you have not gone back to  
 [16] Dr. Hong?  
 [17] A: No particular reason.  
 [18] Q: Do you intend to go back to Dr. Hong and  
 [19] talk to him about perhaps getting some more  
 [20] Xanax —  
 [21] A: Yes.  
 [22] Q: — because that helped you before?  
 [23] A: Yes.  
 [24] Q: How often do you have trouble sleeping  
 [25] now?



**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

Page 129

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] A: A few times a week.  
[3] Q: Few times. Two, three?  
[4] A: Three or four.  
[5] Q: Do you wake up in the middle of the  
[6] night, or do you have trouble going to sleep, or  
[7] both?  
[8] A: Both.  
[9] Q: Do you do anything to help yourself try  
[10] and sleep?  
[11] A: No.  
[12] Q: Warm milk, tea, something over the  
[13] counter?  
[14] A: No. I can't. I'm usually fishing. I  
[15] can't really take anything that would knock myself  
[16] out.  
[17] Q: What about smoke a joint? Do you smoke?  
[18] Does that help you to go to sleep?  
[19] A: No.  
[20] Q: Okay. You mentioned before another one  
[21] of the problems that you had as a result of —  
[22] what you say is a result of this accident is fear?  
[23] A: Yes.  
[24] Q: Can you tell me what you mean by that?  
[25] A: When I get near the water.

Page 130

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] Q: When you get near the water, what  
[3] happens?  
[4] A: In general I get nervous, I get tense, I  
[5] shake, go down below in the boat and hide, sweat.  
[6] Q: When was the first time after the  
[7] accident that you went back down toward the water?  
[8] A: Probably about three weeks after the  
[9] accident.  
[10] Q: Did you go on a boat then?  
[11] A: No. Just taking a car down to Jersey.  
[12] Q: And tell me what happened.  
[13] A: Basically I was going through Newark and  
[14] going through the container port there and — I  
[15] don't know. I was a mess. That's what happened.  
[16] I swore I saw the boat that hit us.  
[17] Q: You saw the boat that hit you?  
[18] A: I thought I did.  
[19] Q: Was it the same boat?  
[20] A: I don't know. It looked similar, is all  
[21] I can say.  
[22] Q: Were you driving?  
[23] A: No.  
[24] Q: Who was with you?  
[25] A: My brother.

Page 131

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] Q: Was your brother driving?  
[3] A: Yes.  
[4] Q: Anybody else in the car?  
[5] A: His wife.  
[6] Q: What's his wife's name?  
[7] A: Deborah.  
[8] Q: D-e-b-o-r-a-h?  
[9] A: Yes.  
[10] Q: Did you have any discussions with your  
[11] brother or Deborah at that time?  
[12] A: Yes.  
[13] Q: What did you say to them and they say to  
[14] you?  
[15] A: I told him I thought that was the boat  
[16] that hit us. And I don't think he really  
[17] understood the size that these boats are, and he  
[18] said, "Oh, crap," basically. I don't know. I did  
[19] most of the talking.  
[20] Q: What were you telling them?  
[21] A: About the accident, really. I started  
[22] living the accident again, is what I did.  
[23] Q: Had you discussed the accident with your  
[24] brother before?  
[25] A: Yes.

Page 132

*Benjamin Schober*

- [1] *Benjamin Schober*  
[2] Q: Had you discussed it with Deborah  
[3] before?  
[4] A: Yes.  
[5] Q: Had you discussed the accident before  
[6] with your parents?  
[7] A: Yes.  
[8] Q: Anybody else?  
[9] A: Cherylynn Lombardo.  
[10] THE WITNESS: He already has her name  
[11] written down.  
[12] A: Mike and Geal, of course, and Kirsten.  
[13] Q: Anybody else?  
[14] A: Dr. Hong.  
[15] Q: Anyone else?  
[16] A: That's about it.  
[17] Q: How many times had you talked about the  
[18] accident from the time that you got home from  
[19] Coast Guard air station until the trip down to New  
[20] Jersey?  
[21] A: Or today, for that matter. Every day.  
[22] Q: You talk about it every day?  
[23] A: Pretty much.  
[24] Q: The guys on your current boat, have you  
[25] talked to them about the accident?

**BENJAMIN SCHOBER**

March 29, 2007

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

Page 133

*Benjamin Schober*

- (1) **A:** Yes.
- (2) **Q:** The other boats you worked on before?
- (3) **A:** Yes.
- (4) **Q:** People in jail?
- (5) **A:** Yes.
- (6) **Q:** People in the halfway house?
- (7) **A:** Yes.
- (8) **Q:** Okay. The lobster boat?
- (9) **A:** Yes.
- (10) **Q:** Now, you said, as you were driving past
- (11) the container, you were reliving the accident?
- (12) **A:** Pretty much, yeah.
- (13) **Q:** When you say "pretty much," I'm not sure
- (14) what you mean.
- (15) **A:** Well, yeah, it was running through my
- (16) mind like it was only yesterday.
- (17) **Q:** Was that the first time that you relived
- (18) the accident?
- (19) **A:** No.
- (20) **Q:** How often had you relived the accident
- (21) before that incident?
- (22) **A:** Twice a week.
- (23) **Q:** Do you still relive the accident now?
- (24) **A:** Yes.
- (25)

Page 134

*Benjamin Schober*

- (1) **Q:** What circumstances trigger you to relive
- (2) the accident?
- (3) **A:** Shipping lanes, seeing a big boat on the
- (4) horizon, a blip on the radar, fog.
- (5) **Q:** Anything else?
- (6) **A:** Going to work, coming home from work.
- (7) **Q:** Anything else?
- (8) **A:** Yeah. Sudden noises. You know, a
- (9) little jumpy.
- (10) **Q:** Where are you most often when you relive
- (11) the accident?
- (12) **A:** On the boat.
- (13) **Q:** Does it impact you in your ability to do
- (14) your job?
- (15) **A:** Yes.
- (16) **Q:** How so?
- (17) **A:** Well, it makes me scared, you know. It
- (18) makes my head all out of sorts. And sometimes I
- (19) have problems concentrating, lose focus pretty
- (20) quickly.
- (21) **Q:** Any other way it impacts your job?
- (22) **A:** You know, if I can't get to sleep or
- (23) something because I'm having a problem, of course
- (24) I'm going to be tired and I'm going to barely do
- (25)

Page 135

*Benjamin Schober*

- (1) the job.
- (2) **Q:** Currently you're working both as a cook
- (3) and a deck hand?
- (4) **A:** I'm a deck hand. Someone's got to cook.
- (5) It's not my job. I don't have to cook. We eat
- (6) Hot Pockets or peanut butter and jelly sandwiches.
- (7) **Q:** So you volunteer to do the cooking?
- (8) **A:** Yeah.
- (9) **Q:** The boat crew doesn't consist of
- (10) someone's whose job is solely as a cook?
- (11) **A:** No.
- (12) **Q:** Okay. Have you considered going back to
- (13) working in a restaurant?
- (14) **A:** Yes.
- (15) **Q:** And do you plan to do that?
- (16) **A:** Not right away, not as long as I keep
- (17) fishing.
- (18) **Q:** Why is that?
- (19) **A:** Money is a lot better.
- (20) **Q:** Have you investigated shore-side jobs in
- (21) a restaurant or something else?
- (22) **A:** Yes.
- (23) **Q:** Okay. And what kind of jobs have you
- (24) looked at?
- (25)

Page 136

*Benjamin Schober*

- (1) **A:** Mostly cooking. It's about all I do,
- (2) cook or fish. But during the winter months
- (3) there's not much available in New London County.
- (4) **Q:** Not much available in terms of cooking?
- (5) **A:** Right.
- (6) **Q:** But you could fish all year long?
- (7) **A:** Yes.
- (8) **Q:** How has the incident affected your
- (9) social life?
- (10) **A:** I don't know. That's a tough one. Just
- (11) other than if I'm out, you know, go near the
- (12) water, you know, I'm a mess again, and they say
- (13) I'm a little nutty, you know.
- (14) **Q:** When you say a "little nutty," what do
- (15) you mean by that?
- (16) **A:** Basically I start acting weird when I go
- (17) near the water. I don't think that's exactly
- (18) normal behavior. I'm not too keen on going to the
- (19) beach, you know.
- (20) **Q:** Do your parents still own a boat?
- (21) **A:** Yes.
- (22) **Q:** Have you been out on your parents' boat
- (23) since the accident?
- (24) **A:** Once.
- (25)

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

Page 137

*Benjamin Schober*

- [1] Q: And when was that?  
[2] A: About three months after the accident.  
[3] Q: Was that a day trip, an overnight?  
[4] A: Day trip.  
[5] Q: Where did you go?  
[6] A: We went to Fisher's Island and back.  
[7] Q: Did you help sail the boat?  
[8] A: Yes.  
[9] Q: Still a sailboat. Right?  
[10] A: Yes.  
[11] Q: Once a sailor, always a sailor.  
[12] But you helped run it and sail it?  
[13] A: Yes.  
[14] Q: Why haven't you been back on the boat?  
[15] A: I didn't enjoy it very much.  
[16] Q: How long were you out?  
[17] A: Four hours.  
[18] Q: Have you been on any other  
[19] privately-owned boats other than your parents'  
[20] since the accident?  
[21] A: No.  
[22] Q: The only other boats have been the boats  
[23] you've worked on?  
[24] A: I've been on a ferry.  
[25]

Page 138

*Benjamin Schober*

- [1] Q: Okay. What ferry?  
[2] A: Orient Point.  
[3] Q: When was that?  
[4] A: About two months ago.  
[5] Q: Anybody go with you?  
[6] A: My father.  
[7] Q: Anybody else?  
[8] A: No. That's it, except all the  
[9] passengers on the boat, but they didn't go with  
[10] us.  
[11] Q: Anybody else you knew?  
[12] A: No.  
[13] Q: When you went on your parents' boat to  
[14] Fisher's Island, who was on board?  
[15] A: Just my father.  
[16] Q: Have you been on any other boats?  
[17] A: No.  
[18] Q: Did you have any issues when you were on  
[19] the Orient Point ferry?  
[20] A: No.  
[21] Q: Is there anything else in terms of your  
[22] social life which has been affected as a result of  
[23] the accident aboard the Eva Claire that you  
[24] haven't already told us about?  
[25]

Page 139

*Benjamin Schober*

- [1] A: No.  
[2] Q: Have you been on board any fishing boats  
[3] that have gone to the same general area where the  
[4] Eva Claire was involved in the collision?  
[5] A: Yes.  
[6] Q: When was the first time you returned to  
[7] that general area?  
[8] A: September of '04.  
[9] Q: Was that on the lobster boat?  
[10] A: No. Melissa Jayne.  
[11] Q: Did being in that general area cause you  
[12] any difficulties?  
[13] A: Yes.  
[14] Q: Tell me about that.  
[15] A: I started to shake and get overwhelmed  
[16] with fear.  
[17] Q: What was the weather that day?  
[18] A: Clear.  
[19] Q: Daylight?  
[20] A: Yes.  
[21] Q: Any boat traffic?  
[22] A: Yes.  
[23] Q: Were you fishing in that area?  
[24] A: No.  
[25]

Page 140

*Benjamin Schober*

- [1] Q: Just transiting through?  
[2] A: Yes.  
[3] Q: How do you know you were in the general  
[4] area of the accident site?  
[5] A: Because we went the same way on the Eva  
[6] Claire. I could see it on the chart. It was  
[7] about 30 miles south of Montauk.  
[8] Q: Did you take any readings on the chart?  
[9] A: Yeah, I looked at it on the chart.  
[10] Q: Did you have a GPS on board of Loran?  
[11] A: Yes.  
[12] Q: And did you use the Loran or the GPS to  
[13] actually plot your position?  
[14] A: I didn't plot the position. I could see  
[15] it on the plotter.  
[16] Q: You had an electronic chart?  
[17] A: Yes.  
[18] Q: If you had not gone to jail, your  
[19] intention was to work that year as a commercial  
[20] fisherman?  
[21] A: Yes.  
[22] Q: And you would have stayed aboard the  
[23] same boat?  
[24] A: Yes.  
[25]



BENJAMIN SCHOBER

March 29, 2007

MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA

Page 141

*Benjamin Schober*

- (1) Q: Did you see any articles or  
(2) television — coverage in the paper or on TV  
(3) concerning the Eva Claire?  
(4) A: Yes.  
(5) Q: Did you keep copies of any of that  
(6) stuff?  
(7) A: Yes.  
(8) Q: Could you provide that to Mr. Healey so  
(9) he could make it available to us?  
(10) A: Yes.  
(11) Q: Did you personally go looking for —  
(12) MR. HEALEY: Off the record.  
(13) (Off-record discussion.)  
(14) Q: Did you go looking in the paper with the  
(15) specific intent of trying to find a story about  
(16) the accident, or did you just stumble upon it?  
(17) A: The day after the accident I kind of  
(18) went looking for it, and a couple of weeks later I  
(19) couldn't miss it. It was on the front page of the  
(20) paper. Other than that, I kind of went looking to  
(21) see me on the news.  
(22) MR. HEALEY: How did you look?  
(23) THE WITNESS: Not too good.  
(24) Q: Were you interviewed on television?  
(25)

Page 142

*Benjamin Schober*

- (1) A: Yes.  
(2) Q: How many times?  
(3) A: Once.  
(4) Q: With anybody?  
(5) A: They were just interviewing me.  
(6) Q: All right. Did you talk with Mike or  
(7) Geal about the television interviews?  
(8) A: Yes.  
(9) Q: They were interviewed as well?  
(10) A: Yes.  
(11) Q: Did the television come looking for you,  
(12) or did you go looking for them?  
(13) A: They came looking for me.  
(14) Q: Did you ever attend any meetings with  
(15) Mr. Healey and/or Mr. Stevens where Mike and Geal  
(16) and Kirsten were there as well?  
(17) A: Yes.  
(18) Q: How many meetings?  
(19) A: Like, three or four.  
(20) Q: When was the first one?  
(21) A: When was the first one?  
(22) Q: Uh-huh.  
(23) A: About a year and a half ago.  
(24) MR. HEALEY: If you don't know, you  
(25)

Page 143

*Benjamin Schober*

- (1) don't know. We could find it out. No sense  
(2) stumbling around. If you can tell him the date,  
(3) tell him; otherwise, tell him you can't.  
(4) A: That was my best guess.  
(5) Q: Okay. And how long did that meeting  
(6) last?  
(7) A: Couple of hours.  
(8) Q: When was the next meeting?  
(9) A: Six months after that.  
(10) Q: How long did that meeting last?  
(11) A: Couple of hours. I'd say two hours.  
(12) Q: Okay. And the next meeting after that?  
(13) A: Roughly six months after that.  
(14) Q: How long?  
(15) A: About two hours.  
(16) Q: Any other meetings?  
(17) A: Pretty much every six months we'd meet  
(18) for a couple of hours.  
(19) Q: Anybody else besides the two attorneys  
(20) and the four of you who attended any of these  
(21) meetings?  
(22) A: Yeah. There is another gentleman, I'm  
(23) not sure what his name is.  
(24) Q: What is his role?  
(25)

Page 144

*Benjamin Schober*

- (1) A: What is his role?  
(2) MR. HEALEY: You're getting close to —  
(3) we're talking about Terry Gargin. I mean, I agree  
(4) that's the other fellow who was there. I don't  
(5) think there was anybody else. There's no mystery  
(6) there, but I don't think we should get into  
(7) substance on this. It's — Terry Gargin is the  
(8) other fellow who attends.  
(9) MR. UNGER: I just wanted to make sure  
(10) it was garage begin and not somebody else.  
(11) MR. HEALEY: There's nobody else. No,  
(12) there isn't.  
(13) Q: Mr. Gargin was introduced to you as the  
(14) expert?  
(15) A: Yes.  
(16) Q: And he had been retained by Attorney  
(17) Stevens and Attorney Healey?  
(18) A: Yes.  
(19) Q: Without the specifics, did you generally  
(20) discuss the depositions that were going to happen?  
(21) A: We talked about the case in general.  
(22) Q: Did you ever have any close calls other  
(23) than the Eva Claire incident or the —  
(24) MR. HEALEY: That wasn't a close call.  
(25)

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER**

**March 29, 2007**

Page 145

(1) *Benjamin Schober*  
(2) That was a direct hit.  
(3) A: I've been a half a mile from pretty big  
(4) ships. It's not that they're close calls. It's  
(5) about an average distance to keep between a boat  
(6) when you're traveling.  
(7) Q: Do you ever have any situations when you  
(8) were fishing prior — I'm sorry — after the Eva  
(9) Claire where a large ship has come within close  
(10) proximity of your vessel?  
(11) A: Yes.  
(12) Q: Something that happens reasonably often?  
(13) A: Yes.  
(14) Q: And did that have any — cause you any  
(15) particular problems?  
(16) MR. HEALEY: This is afterwards, when  
(17) the ship — right? Is that what you're talking  
(18) about?  
(19) MR. UNGER: Yes.  
(20) A: Yes. It makes me very uncomfortable.  
(21) Q: How so?  
(22) A: How so? I shake. I'm afraid.  
(23) Q: Go ahead. I don't mean to cut you off.  
(24) A: I won't take watch on a boat when we're  
(25) within 5 miles of something big. I can't.

Page 146

(1) *Benjamin Schober*  
(2) Q: The first trip that you took with  
(3) Stepski and Roderick, were there any large ships  
(4) that you saw on that trip?  
(5) A: Like, on the horizon.  
(6) Q: Nothing within a mile or two?  
(7) A: No.  
(8) Q: Did you ever discuss the accident with  
(9) your wife, your former wife?  
(10) A: Yes.  
(11) Q: Were you separated at all before the  
(12) divorce?  
(13) A: Yes.  
(14) Q: When did you start the separation?  
(15) A: May of '04.  
(16) Q: Before or after the accident?  
(17) A: Before.  
(18) Q: What have you told your wife about the  
(19) incident?  
(20) A: It was a brief description of the day.  
(21) Q: Did you get into any of the details?  
(22) A: Some, yes.  
(23) Q: Okay. Have you seen her since you've  
(24) been divorced?  
(25) A: Yes.

Page 147

(1) *Benjamin Schober*  
(2) Q: Any kids?  
(3) A: Yes.  
(4) Q: How many children?  
(5) A: Three.  
(6) Q: They live with their mother?  
(7) A: Yes.  
(8) Q: How old are the children?  
(9) A: Twelve, eleven, and eight.  
(10) Q: And where does your former wife live?  
(11) A: Norwich.  
(12) Q: Do you attend a church?  
(13) A: Sometimes.  
(14) Q: What church is that?  
(15) A: St. David's Episcopal Church.  
(16) Q: Where is that located?  
(17) A: Gales Ferry, Connecticut.  
(18) Q: Other than the Xanax, have you taken any  
(19) medication since May of 2004?  
(20) A: Not due to the accident.  
(21) Q: What —  
(22) A: After I injured my finger, I was on a  
(23) painkiller and antibiotics. That's about it.  
(24) Q: What did you do between May 22 and  
(25) starting work on the lobster boat?

Page 148

(1) *Benjamin Schober*  
(2) A: What did I do?  
(3) Q: Uh-huh.  
(4) A: A lot of yard work, drank a lot.  
(5) Q: Yard work at your parents' house?  
(6) A: Neighbors' houses. I was doing odd jobs  
(7) for money.  
(8) Q: When did you start looking for full-time  
(9) employment again?  
(10) A: I think it was July.  
(11) Q: And you started shortly thereafter —  
(12) A: Yeah.  
(13) Q: — on the lobster boat?  
(14) A: Yes.  
(15) Q: You said you drank a lot —  
(16) A: Yes.  
(17) Q: — in the couple of months between?  
(18) A: Yes.  
(19) Q: How much would you drink on a daily  
(20) basis?  
(21) A: Twelve, 15 beers.  
(22) Q: Anything else?  
(23) A: Yeah, some hard alcohol, sure, drinking  
(24) vodka. I was hitting the sauce pretty good.  
(25) Q: What about smoking marijuana in that

**BENJAMIN SCHOB**  
**March 29, 2007**

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

Page 149

*Benjamin Schober*

- (1) time?  
 (2) A: Once every couple of weeks.  
 (3) Q: Your alcohol consumption now, how  
 (4) much —  
 (5) A: Very minimal. One day a week I'm having  
 (6) four or five beers. There's no drug or alcohol on  
 (7) the boats.  
 (8) Q: I'm sorry. What was the last thing?  
 (9) A: I said there's no alcohol or drugs  
 (10) allowed on any of the boats.  
 (11) Q: Is that all the boats you've worked on  
 (12) since Stepski?  
 (13) A: Yes.  
 (14) Q: The lobster boat, the Melissa Jayne?  
 (15) A: Yes.  
 (16) Q: Is that the captain's rule?  
 (17) A: Yes.  
 (18) Q: Can you explain to me why, if you had  
 (19) just completed an alcohol program very shortly  
 (20) before starting to work with Mike Stepski, that  
 (21) you brought a 12 pack of beer on board?  
 (22) A: Because I had it under control.  
 (23) Q: Have you ever not gone out on one of the  
 (24) fishing boats or any other boat because of fear or  
 (25)

Page 150

*Benjamin Schober*

- (1) anxiety that you claim relates to the Eva Claire?  
 (2) A: Yes.  
 (3) Q: How often does that happen?  
 (4) A: I'd say twice every six months.  
 (5) Q: And that's not working or not going out  
 (6) on a pleasure boat or —  
 (7) A: That's not working. Both.  
 (8) Q: Working and a pleasure boat?  
 (9) A: I won't go working or on a pleasure  
 (10) boat.  
 (11) Q: Okay. And when you were on the lobster  
 (12) dragger — okay? — did you miss any work?  
 (13) A: No.  
 (14) Q: On the Melissa Jayne did you ever miss  
 (15) any trips?  
 (16) A: Yes.  
 (17) Q: How many trips did you miss on that?  
 (18) A: Three or four.  
 (19) Q: Those three or four trips that you  
 (20) missed, you put down due to fear and anxiety  
 (21) stemming from the Eva Claire collision?  
 (22) A: Yes.  
 (23) Q: Did you ever tell anybody on board the  
 (24) Melissa Jayne that the reason you were missing  
 (25)

Page 151

*Benjamin Schober*

- (1) those trips was because you were afraid to go out?  
 (2) A: Yes.  
 (3) Q: Who did you tell?  
 (4) A: Captain.  
 (5) Q: His name again?  
 (6) A: Lynn, L-y-n-n, Gurchik, G-u-r-c-h-i-k.  
 (7) Q: Because I have a poor memory, where does  
 (8) the Melissa Jayne go out of?  
 (9) A: New Bedford.  
 (10) Q: Did you tell anybody else besides  
 (11) Mr. Gurchik?  
 (12) A: Yes.  
 (13) Q: Who?  
 (14) A: The guy on the boat. His name is Chris  
 (15) Sullivan.  
 (16) Q: Where does he live?  
 (17) A: Bozrah, Connecticut, B-o-z-r-a-h.  
 (18) Q: Anybody else?  
 (19) A: No. That's about it.  
 (20) Q: How many crew on the Melissa Jayne?  
 (21) A: Four.  
 (22) Q: Who were the other two crew members?  
 (23) A: They weren't always the same. I  
 (24) couldn't provide you the last names. Just Chris.  
 (25)

Page 152

*Benjamin Schober*

- (1) Q: The Mystic Way — did you miss any trips  
 (2) on the Mystic Way because of fear that you  
 (3) attribute to the Norasia — I'm sorry — the Eva  
 (4) Claire?  
 (5) A: I've missed one or two trips, yes. I  
 (6) had to miss a couple more to come down here.  
 (7) Q: Well, we're talking about missing a trip  
 (8) because you were afraid to go out, and the fear  
 (9) stems from the Eva Claire.  
 (10) A: One or two, yes.  
 (11) Q: When did you miss those trips?  
 (12) A: I missed one about two months ago and  
 (13) probably about 2 1/2 months ago.  
 (14) Q: Who on board did you tell that you were  
 (15) missing the trip because you were afraid?  
 (16) A: I told the captain, Scott Yerman.  
 (17) Q: Spell his last name again.  
 (18) A: Y-e-r-m-a-n.  
 (19) A: Steven Steigler.  
 (20) Q: How do you spell his name?  
 (21) A: S-t-e-i-g-l-e-r.  
 (22) Q: Where does he live?  
 (23) A: New Haven.  
 (24) Q: Where does Scott Yerman live?  
 (25)



**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

Page 153

[1] *Benjamin Schober*  
[2] A: Clinton, Connecticut.  
[3] Q: Anybody else you tell?  
[4] A: Yeah, Gary Yerman.  
[5] Q: Does Gary go out on the boat as well?  
[6] A: Yes.  
[7] Q: Scott is the captain. What's Gary's  
[8] job?  
[9] A: He captains, too. Sometimes Gary takes  
[10] the boat out and gives Scott a break.  
[11] Q: Anybody else?  
[12] A: I think that's it.  
[13] Q: Do you do on these boats life boat  
[14] drills?  
[15] A: We have not done a life boat drill.  
[16] Q: On the Mystic Way?  
[17] A: No.  
[18] Q: What about the Melissa Jayne?  
[19] A: No.  
[20] Q: And on the lobster dragger?  
[21] A: No.  
[22] Q: Do you practice getting into your  
[23] emergency suits on any of those?  
[24] A: Yes, on the Mystic Way.  
[25] Q: Did that cause you any problems?

Page 154

[1] *Benjamin Schober*  
[2] A: I didn't actually put it on. Everybody  
[3] else on the boat has to put one on in a minute, or  
[4] else they can't leave the dock. The captains know  
[5] me, and they're well aware that I can put a  
[6] survival suit on. I don't know how often they  
[7] have to update, do the test.  
[8] MR. UNGER: Thank very much for your  
[9] time, Mr. Schober.  
[10] MR. HEALEY: What I was going to say:  
[11] Let me talk to Ben for a couple of minutes.  
[12] (Time noted: 2:13 p.m.)  
[13]  
[14]  
[15]  
[16]  
[17]  
[18]  
[19]  
[20]  
[21]  
[22]  
[23]  
[24]  
[25]

Page 155

[1]  
[2]  
[3] CERTIFICATE  
[4]  
[5]  
[6] I, MARK IUZZOLINO, a Certified Shorthand  
[7] Reporter and Notary Public certify that the  
[8] foregoing is a true and accurate transcript of the  
[9] testimony of the aforementioned first duty sworn  
[10] by me.  
[11] I further certify that I am neither  
[12] attorney or counsel for, nor related to or  
[13] employed by, any of the parties to the action in  
[14] which the deposition is taken, and further that I  
[15] am not a relative or employee of any attorney or  
[16] counsel employed in this case, nor am I  
[17] financially interested in the action.  
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Page 156

[1]  
[2]  
[3] INDEX  
[4]  
[5] WITNESS EXAMINED BY PAGE  
[6] BENJAMIN SCHOBBER  
[7] Mr. Weigel 4  
[8] Mr. Unger 102  
[9]  
[10]  
[11] EXHIBITS  
[12]  
[13] NUMBER DESCRIPTION PAGE  
[14] Schober-30 Coast Guard document 39  
[15] entitled Conversation  
[16] Record  
[17] Schober-31 11-page document entitled 82  
[18] Occupational Medicine  
[19] Services Drug Screen  
[20] Report  
[21]  
[22]  
[23]  
[24]  
[25]

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**Lawyer's Notes**

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**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

<b>\$</b>	22nd 45:11 23 84:21 24 84:3 2500 97:16 28 116:21 2800 103:21 2:13 154:12 2:30 47:17, 51:14, 15	above 73:14; 79:12 abuse 106:13 accident 15:16, 17; 22:11; 23:6, 10; 27:11, 12; 14; 28:11, 15, 19; 29:2, 22; 30:14; 36:13; 43:6; 46:10; 14, 17; 47:13; 57:18; 61:2; 81:10; 85:21, 22; 86:5, 16; 19; 87:10, 16; 88:4; 90:5; 8; 104:19, 24; 105:12, 16; 110:23; 115:2; 123:16; 125:15, 18, 22; 126:7; 127:12, 19; 129:22; 130:7; 9; 131:21, 22, 23; 132:5; 18, 25; 133:12, 19, 21, 24; 134:3, 12; 136:24; 137:3, 21; 138:24; 140:5; 141:17; 18; 146:8, 16; 147:20 according 61:9 account 100:13, 20 accurate 7:12; 61:9; 86:13 accurately 46:8 across 58:22; 79:21 acting 136:17 actual 75:10 actually 30:22, 23; 40:15; 42:12; 43:3; 57:24; 58:13; 84:12, 13; 89:8, 8; 103:11; 140:14; 154:2 address 4:14 affect 40:17 affected 136:9; 138:23 afford 120:17, 23 affordable 121:24 afraid 145:22; 151:2; 152:9, 16 aft 54:12; 58:21, 23; 81:14 afternoon 43:10; 102:4 afterwards 126:8; 145:16 again 32:21; 44:3; 48:18; 78:11; 107:9; 131:22; 136:13; 148:9; 151:6; 152:18 against 21:17, 23; 22:13, 13; 104:23 ago 14:7; 113:10; 115:15; 116:3; 117:4, 5; 138:5; 142:24; 152:13, 14 agree 5:22; 101:9; 144:4 agreement 89:18, 23; 95:6; 101:17 ahead 36:12; 70:21; 145:23 air 36:19, 22; 37:11, 23; 38:18; 39:2; 41:23; 42:9; 43:7, 17; 83:3, 17; 84:4; 132:19 aircraft 83:2 Alan 37:9; 44:12; 93:16 Albert 114:22 alcohol 7:20; 83:6; 85:9; 106:13, 16; 107:3, 5, 24; 108:6, 8, 13, 19, 25; 109:22; 110:13, 13, 17;	120:5, 7; 148:23; 149:4, 7, 10, 20 alcoholic 48:8, 108:11 Alcoholics 106:25 Alley 19:7 allowed 32:2; 149:11 almost 56:19; 59:10 alone 5:2 along 57:17; 75:19; 95:6 always 80:13; 118:21; 137:12; 151:24 Alya 15:10, 20, 23; 16:2 America 17:23, 25; 18:6; 10, 13; 20:12 among 92:16 amounts 95:12 amphetamines 85:14 and/or 142:16 Anderson 22:9 Anger 12:24 Anonymous 106:25 answered 86:8; 93:14 antenna 79:5 antibiotics 147:23 anxiety 117:8, 9; 124:19; 150:2, 21 anyways 121:20 apart 59:22 apartment 12:12, 13, 14, 14, 16 apparently 101:13 appear 7:4; 68:3 appearance 15:9 appears 40:8 appointments 122:4, 12 appreciate 93:3, 7, 9 approximately 33:6; 35:25; 87:14 April 109:5 area 54:8; 62:14; 139:4, 8, 12, 24; 140:5 argumentative 86:8 around 10:17; 11:18; 31:18; 41:15; 57:10; 70:8; 78:23; 90:24; 102:16, 19; 103:18; 143:3 arrest 8:11, 18; 11:16; 12:20; 31:3 arrested 7:22; 8:2; 10:15; 11:6, 18, 19, 25; 12:6; 13:4; 30:19, 25; 31:7 arrests 8:6; 9:15; 10:20; 12:25; 106:10 arrive 47:11 arrived 37:10; 43:7, 14; 56:24; 83:3 arriving 84:22 articles 122:22, 25; 123:3; 124:7; 141:2 aside 15:5 asleep 125:6, 8, 9 assault 12:2 assigned 50:21	assume 58:10 assuming 39:12; 58:11; 62:15; 87:2 attend 17:14; 18:3; 142:15; 147:12 attended 143:21 attends 144:9 attention 66:25 Attorney 17:12; 22:7; 45:3; 95:8; 112:22, 23; 144:17, 18 attorneys 94:12; 143:20 attribute 152:4 August 29:24; 30:13; 104:16 automatically 78:6 available 109:15; 119:22; 136:4, 5; 141:10 average 96:19; 145:5 await 121:16 aware 154:5 away 67:12; 68:22, 23; 75:21; 127:25; 135:17 ax 65:5
<b>0</b>	04 8:14; 27:9; 109:3; 139:9; 146:15 06 33:8; 104:16; 105:3 06382 4:3	3 103:3 30 39:21, 24; 40:2, 8; 41:20; 60:14; 61:5; 140:8 31 82:17, 19 35,000 98:15, 23 3:30 51:11		
<b>1</b>	1 53:22; 54:7; 58:9; 83:14, 15 1/2 103:3; 152:14 100 8:20; 67:14 100-foot 33:3 11-page 82:15, 20 11:30 57:4 12 49:4; 57:11; 81:7, 22; 82:3; 149:22 12:15 84:21 12:30 57:11; 101:22 14 42:16 15 87:7, 8, 15, 19; 148:21 15-year 87:23 168 12:10 1991 9:24 1993 9:22; 10:12, 25; 11:11; 18:12 1995 8:19 1997 8:22 1A 54:22; 58:12 1B 58:12	4 96:6, 8 40,000 103:18 400 96:10; 97:5, 6 42 4:3, 15 45 55:11; 57:7; 60:14 4th 29:11	4	
		5 84:8; 145:25 5,000 96:6 50 67:14 500 93:22	5	
		6 69:21	6	
		9	9	
<b>2</b>	2 152:14 20/20 26:10 2000 12:2; 102:17, 19 2002 102:16 2003 107:19; 108:19, 25 2003/2004 109:10 2004 20:18; 23:14; 26:25; 29:6; 97:20, 25; 98:3, 7, 10; 99:9, 10, 13; 100:24; 101:6, 7, 13, 14; 126:12; 147:19 2005 31:18; 98:14, 18, 20; 101:14; 108:23; 109:22; 110:5 2006 98:25; 99:5 22 45:12; 47:13; 50:23, 24; 147:24	90-foot 30:2 91 17:17; 18:2 92 9:22; 10:13; 11:12 93 10:13; 11:13; 18:2 95 8:17; 106:17; 107:14, 17; 108:2, 19 97 8:17 99 104:8; 107:6, 17, 18, 18 9:30 53:3; 56:25		
		<b>A</b>		
	ability 134:14 able 92:11; 94:18; 105:22; 120:17 aboard 104:19; 110:23; 117:13; 124:15; 138:24; 140:23			
				<b>B</b>
				B 54:8, 13 B-o-z-r-a-h 151:18 back 23:12; 27:22; 31:10; 32:3, 20; 55:9; 56:12; 58:9; 61:4; 63:13; 65:12; 68:15, 18; 70:20; 72:3; 73:2, 5, 8, 16; 74:8; 80:3; 90:16; 98:9; 117:25; 118:2, 2; 120:9; 126:9; 128:12, 15, 18; 130:7; 135:13; 137:7, 15 background 17:14; 88:24 bad 128:5, 6 Bank 33:18; 100:13, 20, 21; 101:4, 7 bar 102:21 barely 134:25 base 44:7, 18 based 91:23 basic 12:4 Basically 121:8; 130:13; 131:18; 136:17 basis 24:12; 40:11; 87:11; 95:8, 9; 96:7, 16; 101:21; 122:5; 148:20 beach 136:20 bearing 66:15, 18; 67:4 beat-up 79:6 became 20:13 bed 47:21 Bedford 21:13; 30:4; 83:22, 24; 84:5, 23; 85:4; 112:8, 10; 151:10 beds 122:11 beer 48:25; 51:7; 52:24; 80:4, 18; 81:2, 6, 9, 19; 105:11, 17; 149:22



BENJAMIN SCHOVER

March 29, 2007

MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA

beers 48:13, 14; 79:18,  
23, 24; 82:7; 148:21; 149:7  
beforehand 86:9  
begin 86:23; 87:5, 144:11  
beginning 29:8; 60:7  
behalf 93:8  
behavior 136:19  
behind 73:19  
below 69:13, 15; 78:3, 12,  
13; 81:16, 17, 19; 130:5  
Ben 84:11; 154:11  
BENJAMIN 4:2, 11  
besides 9:15; 11:5; 14:8;  
18:5; 20:23; 21:6; 25:20,  
22; 28:3; 38:3, 6; 44:21;  
46:13; 65:15; 70:16;  
89:13; 95:11; 108:19;  
111:19; 112:4; 120:6;  
143:20; 151:11  
best 41:21, 25; 46:7; 54:9;  
113:16; 143:5  
better 135:20  
beverages 48:9  
beyond 87:3  
big 66:7, 9; 68:14; 71:14,  
22; 74:22; 134:4; 145:3, 25  
birth 84:14, 15  
bit 23:12; 25:13; 36:12;  
50:8; 67:20; 70:21  
blanket 109:19; 110:10  
blip 61:23; 62:3, 10, 17;  
63:11; 64:5; 66:20; 134:5  
blips 35:14  
blood 23:24; 83:6  
Blue 69:25; 70:2, 3; 71:14  
Blume 37:9; 38:14, 16;  
44:12, 13; 45:18, 21;  
46:16; 73:9  
board 28:3; 30:8; 47:16;  
75:5; 89:20; 91:6; 105:11;  
138:15; 139:3; 140:11;  
149:22; 150:24; 152:15  
boat 16:7, 8, 9, 9, 11, 25;  
21:11; 23:20; 25:16, 17;  
27:2, 5, 13; 28:5, 17, 18,  
21; 29:15, 25; 33:2, 25;  
34:19; 49:6; 53:15; 54:19;  
56:13; 58:21, 23, 24; 59:9;  
60:18; 63:13; 64:12, 14,  
22; 65:10, 13, 24, 25;  
66:13, 14; 67:10, 23;  
68:15, 18; 70:20; 71:23;  
72:5; 73:5, 8, 16; 74:9, 22,  
24, 25; 76:18, 21; 77:9, 15,  
16, 16; 78:4, 7, 11; 80:9,  
13; 97:3; 105:5; 130:5, 10,  
16, 17, 19; 131:15; 132:24;  
133:9; 134:4, 13; 135:10;  
136:21, 23; 137:8, 15;  
138:10, 14; 139:10, 22;  
140:24; 145:5, 24; 147:25;  
148:13; 149:15, 25; 150:7,  
9, 11; 151:15; 153:5, 10,  
13, 15; 154:3  
boater 20:19  
boats 16:21; 24:8, 13, 19;

26:23; 131:17; 133:3;  
137:20, 23, 23; 138:17,  
139:3; 149:8, 11, 12, 25;  
153:13  
books 122:22  
born 24:18  
boss 18:23  
Boston 22:3, 7; 103:19  
both 16:19; 58:6; 112:24,  
25; 125:8; 127:15; 128:9;  
129:7, 8; 135:3; 150:8  
bottom 54:22; 70:9, 16  
bow 69:3, 5, 7, 9, 13, 20;  
70:6, 7, 18, 23, 25; 78:13  
box 82:4, 6, 9  
boxes 71:22  
Bozrah 151:18  
break 70:11; 153:10  
breakfast 52:8, 9, 17, 17,  
20, 22, 24; 56:23, 24; 80:5  
breathalyzer 83:4, 7  
bridge 70:19, 19; 72:4;  
73:17, 18, 20; 76:4, 7  
bridle 64:15, 18, 21, 23,  
25; 65:2, 5, 7, 23; 66:13;  
67:9  
brief 125:22; 146:20  
bring 49:3; 66:25; 105:19  
bringing 105:10  
brings 53:20  
broader 101:19  
broke 10:18  
Brooks 126:19  
brother 88:22; 105:24;  
114:18; 115:22; 116:8;  
130:25; 131:2, 11, 24  
brought 22:12; 48:25;  
79:9; 149:22  
bucks 93:22; 96:10  
building 12:12, 13, 14, 16  
bulbous 69:3, 5, 7  
bullet 61:5  
business 37:5, 7; 103:7  
butter 135:7  
by-product 127:13

## C

C-h-e-r-y-l-y-n-n 116:14  
Cafe 102:23  
calculated 91:7; 92:5  
call 101:3; 144:25  
called 19:7; 102:22  
calling 12:5  
calls 144:23; 145:4  
came 44:17; 60:7; 78:6,  
18; 79:21; 91:2; 123:14;  
142:14  
can 6:10; 20:10; 40:15,  
20; 41:25; 54:9, 21; 59:13;  
66:22; 73:10; 89:4;  
101:10, 19; 104:11;  
109:15; 111:18; 114:21;

115:3; 116:13; 124:17;  
128:3; 129:24; 130:21;  
143:3; 149:19; 154:5  
cans 81:7, 8; 82:11;  
105:17  
Canyon 33:18  
canyons 33:17  
Cape 36:19; 37:11, 23;  
38:19; 41:23; 42:9; 43:17;  
44:3; 83:3, 18; 84:2, 4;  
85:3  
Captain 151:5; 152:17;  
153:7  
captain's 149:17  
captains 153:9; 154:4  
car 130:11; 131:4  
card 37:5, 7  
cardboard 82:4, 5, 6  
career 23:17  
case 22:5; 27:11; 144:22  
cash 99:17, 25; 100:12,  
12, 14, 16  
Cashed 100:11, 14  
casualty 21:6, 8, 9, 10  
catch 91:16  
caught 21:15  
cause 139:12; 145:14;  
153:25  
center 74:17  
centered 74:20  
certificate 20:20; 109:8;  
110:4, 5; 119:19  
challenge 7:8  
chance 7:8  
change 23:16  
changed 7:8  
charge 12:2  
chart 140:7, 9, 10, 17  
check 99:18, 19, 25;  
100:2, 7, 10, 16, 17  
checks 100:18  
chef 23:17, 18  
Cherylynn 116:14; 132:9  
children 147:4, 8  
Chris 151:15, 25  
church 147:12, 14, 15  
circular 74:22  
circumstances 7:24;  
10:14; 11:15; 25:10;  
101:5; 134:2  
claim 21:17, 20, 22;  
22:13; 92:22; 150:2  
claiming 92:8, 9, 17, 20;  
93:13; 17, 21; 96:7; 111:2;  
120:14, 19  
claims 95:10  
Claire 13:13; 27:6, 8, 18;  
28:14; 35:6, 19; 36:9;  
47:16; 48:21, 25; 49:23;  
50:3, 9, 18; 52:12; 54:6, 9,  
13; 55:2; 67:18, 22; 68:8;  
69:12, 16, 18; 71:4, 5;  
75:5; 76:12, 22; 77:21;  
78:2; 81:10; 85:25; 89:20;

91:7, 14; 95:24; 99:16;  
104:19; 105:11; 110:23;  
123:25; 124:15; 127:20;  
138:24; 139:5; 140:7;  
141:4; 144:24; 145:9;  
150:2, 22; 152:5, 10  
Claire's 67:15  
clarify 6:17  
clarifying 26:20  
class 107:3; 108:3  
classes 12:21, 23; 18:3;  
108:8; 119:25; 120:4, 13;  
121:10; 122:13, 16  
clear 102:10; 108:23;  
139:19  
clearer 50:5  
client 93:8  
Clinic 112:11  
Clinton 153:2  
close 67:14; 69:19;  
85:23; 144:3, 23, 25;  
145:4, 9  
closer 63:4  
clothes 37:13; 43:18  
clothing 93:22  
Coast 14:10, 11, 16, 17,  
19; 15:3, 6, 13, 15; 16:3,  
13, 18, 20; 26:15; 36:15,  
18, 21; 37:10, 23; 38:4, 8,  
18; 39:22; 40:9; 41:2, 3,  
22; 42:3, 8, 8; 43:16, 17;  
44:4, 7, 16, 21; 45:18;  
46:2, 3, 6, 13, 18, 21, 22,  
25; 72:18; 82:21, 25; 83:3,  
17; 85:6, 7; 132:19  
cocaine 85:13  
Cod 36:19; 37:11, 23;  
38:19; 41:23; 42:9; 43:18;  
44:3; 83:4, 18; 84:2, 5;  
85:3  
collect 121:15  
collection 84:20  
collision 64:8, 10; 65:12,  
14, 20; 67:6; 68:4, 6, 17,  
19, 23, 24; 75:2, 10, 12,  
18; 76:9, 10, 25; 139:5;  
150:22  
color 16:7; 69:23; 70:2,  
16; 74:12, 13  
colored 70:9  
colors 72:7  
coming 66:7, 10, 20;  
68:14, 21; 134:7  
Commander 38:13, 16;  
45:18  
Commercial 5:8; 20:13,  
17; 21:2; 23:13, 18; 24:5;  
25:21; 28:15; 140:20  
community 8:20; 32:3;  
120:12  
company 22:19  
compass 59:14; 79:18  
complaint 126:3  
complete 108:25  
completed 61:7; 149:20

completely 55:8  
computer 124:4  
concentrating 134:20  
concern 64:5; 66:18  
concerning 122:20, 23;  
141:4  
condition 79:3  
conditions 60:2  
conduct 10:3, 15, 24;  
11:7, 16  
conducts 9:17, 20  
confused 26:21  
Connecticut 4:15; 9:5;  
17:16; 19:9; 26:22; 31:24;  
116:9, 19; 126:21; 147:17;  
151:18; 153:2  
connection 104:24;  
109:24  
consider 108:10  
considered 128:12, 14;  
135:13  
consist 135:10  
consumption 149:4  
Contact 61:6  
contacts 61:19, 22  
container 130:14; 133:12  
containers 71:20, 21, 24;  
72:6, 10  
content 83:6  
continue 32:12; 40:20  
continued 23:9  
continuously 25:9  
control 149:23  
Conversation 39:23;  
41:19; 43:15; 91:12  
conversations 61:18;  
62:16, 21  
convictions 13:2  
cook 18:16, 25; 23:17;  
32:11, 13, 16; 33:25; 34:3,  
5; 52:19; 103:10; 135:3, 5,  
6, 11; 136:3  
cook's 34:9  
cooked 52:17  
cooking 31:22; 33:23;  
34:8, 9; 135:8; 136:2, 5  
cooks 34:6, 7  
cooler 81:12, 12  
Copies 13:18; 17:10;  
141:6  
copy 39:8, 11; 46:22, 25;  
47:4; 99:5; 101:6  
corrections 7:2  
correctly 71:3  
cost 121:6  
costs 121:3  
counseling 106:12, 16;  
107:5, 16, 24; 108:6, 18;  
109:22, 110:17; 118:23;  
119:3, 21; 120:15, 21;  
122:8; 123:19  
Counselor 114:9; 119:9;  
121:9  
counter 129:13

**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

county 9:3, 7, 8, 9, 10;  
136:4  
couple 9:17; 14:7; 15:16;  
25:12; 37:17; 38:4; 43:18;  
44:16; 46:9; 65:22; 68:5;  
87:12, 20; 88:5, 7; 95:17;  
96:10, 13, 17, 21; 102:8;  
115:5; 116:3, 4; 117:17;  
122:25; 125:15; 126:25;  
141:19; 143:8, 12, 19;  
148:17; 149:3; 152:7;  
154:11  
couple-of-mile 35:15  
course 6:25; 95:6; 96:11;  
109:10; 127:18; 132:12;  
134:24  
court 5:20; 6:2; 106:18;  
107:9  
courtroom 5:17  
cousin 23:19, 21, 23, 24,  
24  
cover 82:21; 120:3, 6  
coverage 141:3  
crane 53:19  
crap 131:18  
crew 13:18; 34:8; 52:6;  
135:10; 151:21, 23  
CROSS-EXAMINATION  
102:2  
cruise 24:19  
cruising 24:15; 26:5  
CT 4:3  
Culinary 17:23, 24; 18:6;  
9, 13; 20:12; 34:4  
current 5:7; 132:24  
currently 4:24; 7:14;  
135:3  
Cut 64:23; 65:2, 3, 5, 7, 8,  
10, 15, 23; 66:12; 67:9;  
145:23

## D

D-e-b-o-r-a-h 131:8  
daily 148:19  
damages 110:25; 111:4  
dark 70:3, 4  
date 15:17; 31:14; 84:13;  
15, 20; 143:3  
David's 147:15  
day 15:16; 25:12; 28:15;  
41:15; 43:6, 8; 47:10, 24;  
50:5; 52:14; 59:20; 86:18;  
105:11; 118:5, 6, 9, 9;  
122:10; 123:6, 9; 124:6;  
127:2; 132:21, 22; 137:4;  
5; 139:18; 141:18; 146:20;  
149:6  
daylight 43:11; 139:20  
days 8:23; 15:17; 45:6, 8;  
46:9, 13, 17; 115:3;  
117:17; 118:11  
deal 113:22  
Deborah 131:7, 11; 132:2  
debris 79:15, 22

December 33:8, 11  
decide 23:16  
decided 17:17  
deck 27:25; 33:23; 34:13;  
69:12, 17; 71:15, 18, 23;  
72:6; 73:13, 14, 25; 78:12;  
80:13, 17; 81:15, 16, 17,  
19; 135:4, 5  
definite 72:24  
definitely 29:11; 72:24  
definition 48:12  
Deidra 119:12  
Deidra's 119:20  
deposit 100:13  
Deposited 100:20  
deposition 5:10; 13:8,  
11, 23; 14:3, 8; 17:8, 11  
depositions 13:19;  
144:21  
deposits 100:22  
describe 25:10; 34:13,  
15; 59:13; 61:13; 71:12;  
72:2; 73:10; 79:3; 92:7;  
128:4  
described 16:2, 4  
describing 16:5, 6  
description 125:22;  
146:20  
detail 93:24; 122:15  
detailed 95:9  
details 146:21  
determine 42:2; 94:19  
Dick 28:22; 97:3  
different 16:18; 24:25;  
25:3, 16; 33:17  
difficulties 139:13  
difficulty 127:25  
DIRECT 4:7; 145:2  
direction 59:15, 16;  
67:22  
discuss 15:12; 125:18;  
144:21; 146:8  
discussed 15:9; 36:3;  
115:10, 14; 122:16;  
131:23; 132:2, 5  
discussing 15:19; 16:14  
discussion 15:14; 40:22;  
53:10; 113:13; 115:7;  
141:14  
discussions 118:12;  
124:9; 131:10  
dismissed 12:21, 22  
disorder 114:6  
disorderly 9:17, 19; 10:2,  
2, 15, 24; 11:6, 16  
dispute 85:19  
dissolution 104:20  
distance 145:5  
divorce 146:12  
divorced 104:14, 15;  
146:24  
dock 47:11, 15; 49:5, 15;  
21; 51:11; 154:4  
doctor 111:6, 15, 18, 22;

112:5, 7; 116:6; 117:8  
doctor's 112:9  
doctors 111:19; 112:3,  
12  
document 39:20, 22, 25;  
40:3, 23, 24; 41:19; 42:3,  
15, 17, 18, 22; 43:2; 53:21;  
82:14, 15, 18, 20, 23; 84:9  
documentation 100:4;  
109:7  
documents 13:7, 15, 17;  
14:9, 15; 26:15  
Dod 122:19  
dollars 97:11; 99:21;  
100:22  
done 56:20; 83:25; 90:7;  
95:3; 101:23; 153:15  
doughnut-shaped  
74:23  
down 5:21; 6:3, 10, 23;  
35:24; 42:10, 13; 43:23;  
59:11; 61:6; 66:7, 10, 15,  
18; 67:4; 78:3, 8, 13;  
94:21; 130:5, 7, 11;  
132:11, 19; 150:21; 152:7  
Dr 111:7, 12, 14, 20, 22;  
112:4; 121:15; 125:17, 19,  
21; 126:4, 7, 9, 11, 14;  
128:13, 16, 18; 132:14  
drag 30:10  
dragger 30:2; 33:3;  
150:13; 153:20  
draggers 62:13  
Drank 79:23; 148:4, 15  
drill 153:15  
drills 153:14  
drink 48:2, 5, 7, 8; 51:7;  
52:24; 79:24; 80:4, 18;  
81:2; 108:13, 15; 148:19  
drinking 10:19, 25; 11:2,  
17; 12:18; 148:23  
Drive 4:3, 15  
driving 60:18; 130:22;  
131:2; 133:11  
Drug 82:16; 84:3; 85:8,  
12; 107:25; 108:8; 149:7  
drugs 7:18; 13:5; 83:19;  
85:13; 86:24; 89:14, 16;  
120:5, 6; 149:10  
dry 37:13; 43:18  
due 147:20; 150:21  
DUI 7:25; 8:3, 8, 10, 19,  
22; 30:20, 25; 106:9, 17  
DUIs 8:15; 9:16  
duly 4:4  
During 10:24; 11:2;  
12:18; 16:19; 20:25;  
22:11; 25:5; 42:7; 43:25;  
45:21; 46:8; 50:4, 6, 21;  
51:4, 7; 55:16; 56:4; 63:3;  
80:18; 87:23; 90:6, 8;  
136:3  
duties 33:22; 34:15, 15;  
50:21; 51:3; 53:5  
Dydo 4:3, 15

## E

Earlier 40:11, 25; 84:24;  
102:5  
earn 98:3  
earned 96:17  
earning 97:4, 6, 9, 15;  
101:11  
earnings 99:10, 12  
easier 6:4; 122:11  
easiest 23:23  
Easter 41:16  
easy 127:16  
eat 52:20; 135:6  
economic 120:20  
economics 120:16  
education 17:20; 18:5;  
34:12; 107:3  
educational 17:13  
effect 5:16  
eight 48:15, 20; 105:21;  
147:9  
either 16:19; 38:21;  
45:14; 58:13; 83:2; 88:10;  
103:12  
electronic 140:17  
eleven 147:9  
Elizabeth 73:3, 8  
else 14:19; 17:20; 28:3;  
30:10; 37:22; 38:2; 44:15,  
20; 65:16; 74:4; 79:10, 14;  
80:25; 81:2, 25; 116:16;  
120:6; 122:6; 123:7;  
125:7, 24; 131:4; 132:8,  
13, 15; 134:6, 8; 135:22;  
138:8, 12, 22; 143:20;  
144:6, 11, 12; 148:22;  
151:11, 19; 153:3, 11;  
154:3, 4  
emergency 153:23  
emotional 92:17; 111:4  
employ 30:16  
employees 19:3  
employer 21:18, 23;  
22:10  
employment 5:7; 20:11;  
23:6; 24:2; 32:9; 102:13;  
120:8; 148:9  
encounter 50:6  
encountered 50:10  
end 23:6; 29:9, 20, 24;  
30:12, 17; 54:12; 58:23;  
60:8; 72:3; 100:23; 121:16  
ended 12:5  
engine 67:16  
engines 75:7, 9, 11, 15  
enjoy 137:16  
Enough 56:17  
enroll 110:19  
entire 24:22; 25:6; 30:7;  
41:2; 58:23, 24  
entitled 39:22; 41:19;  
82:15, 21

EPIRB 78:24, 25; 79:3, 8  
Episcopal 147:15  
errors 42:3  
Especially 122:3  
estimate 67:12; 95:13;  
96:4; 113:17; 115:4  
etc 43:19  
Eva 13:13; 27:6, 8, 18;  
28:14; 35:5, 19; 36:9;  
47:16; 48:21, 25; 49:23;  
50:3, 9, 18; 52:12; 54:6, 9,  
13; 55:2; 67:15, 18, 22;  
68:7; 69:12, 16, 18; 71:4,  
4; 75:5; 76:12, 22; 77:21;  
78:2; 81:9; 85:25; 89:20;  
91:7, 14; 95:24; 99:16;  
104:19; 105:11; 110:23;  
123:25; 124:15; 127:20;  
138:24; 139:5; 140:6;  
141:4; 144:24; 145:8;  
150:2, 22; 152:4, 10  
Even 5:12; 87:12, 15;  
127:19  
event 47:10, 12; 127:17  
events 61:14  
Everybody 154:2  
exact 9:21  
exactly 10:16; 51:22;  
83:13; 89:24; 91:8; 113:9;  
117:19; 136:18  
EXAMINATION 4:7  
examined 4:4  
example 10:21  
except 138:9  
exhaust 75:22; 76:6  
exhibit 39:21, 24; 40:2, 6,  
8; 41:20; 42:16; 53:22;  
54:7, 22; 58:9; 61:5; 82:14,  
17, 19  
expected 17:7; 96:13  
expenses 91:24; 92:2  
experience 24:4, 8, 12;  
25:19, 20, 22, 25; 34:12;  
35:17  
expert 144:15  
explain 55:14; 91:2; 93:6;  
149:19  
exposed 79:5  
expressed 64:5  
eyesight 26:9

## F

fact 127:13  
fairly 118:4  
fall 105:2; 125:6  
falling 125:8  
family 88:20, 24; 111:6,  
14; 112:22; 114:15, 17;  
115:19  
family's 111:17  
far 6:7; 57:17; 58:7;  
59:22, 24, 25; 62:4; 63:24;  
67:12



**BENJAMIN SCHOBBER**  
March 29, 2007

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

father 138:7, 16  
fax 82:21  
fear 124:19; 129:22;  
139:17; 149:25; 150:21;  
152:3, 9  
features 36:3  
Federal 99:6  
fee 121:16  
Feeling 92:11, 11  
feet 67:14, 14; 69:17, 21  
fellow 144:5, 9  
ferry 137:25; 138:2, 20;  
147:17  
few 80:24; 103:6; 117:5;  
129:2, 3  
fight 11:25; 12:4, 7  
figure 91:2; 94:21  
file 21:23; 97:19; 98:13;  
99:8; 104:23  
filed 22:2; 98:10, 24;  
103:19  
files 99:4  
fill 56:17; 90:13; 102:9;  
119:16  
filled 57:20; 59:3; 126:18  
finally 24:2  
financial 92:19, 20, 21,  
23; 93:17, 20, 23; 94:9, 14,  
19; 95:3  
find 78:24, 25; 79:14;  
105:22; 141:16; 143:2  
fine 8:21; 110:11  
finger 21:15; 112:5;  
147:22  
finish 10:22; 48:18; 57:4  
finished 6:12, 13; 18:8,  
13; 57:11; 59:3; 60:12;  
80:7; 127:9  
fired 103:9  
first 4:4; 10:11, 24; 11:10,  
12; 27:7, 10, 15, 17, 24;  
28:18; 35:5, 9; 36:6, 7;  
37:10, 20; 38:18, 25;  
43:14; 50:2, 7, 10; 52:3,  
10, 16; 53:2; 55:5, 15;  
56:14, 20, 24; 57:25; 58:3,  
16, 17, 18; 59:4; 60:12, 18;  
61:7, 25; 67:13; 75:3; 80:8,  
15; 82:20, 20; 86:23; 90:7;  
91:24; 92:3; 99:16;  
106:15, 17; 111:10;  
119:12; 124:20; 125:12;  
126:6; 130:6; 133:18;  
139:7; 142:21, 22; 146:2  
fish 21:13, 14; 30:5, 5;  
33:4, 16, 17; 34:17; 49:18;  
51:18; 53:7, 12, 17, 19;  
54:15; 55:2, 5, 16, 19;  
56:8, 10, 15, 19; 57:20, 24;  
58:13, 17, 19; 59:7, 7;  
60:13; 61:16; 63:15, 19;  
68:13; 81:13; 90:10, 14,  
16; 91:16, 23; 136:3, 7  
fished 122:10  
Fisher's 137:7; 138:15  
fisherman 5:8; 20:13, 17;

21:2; 23:14, 18; 24:5;  
25:21, 99:23, 140:21  
fishing 22:21; 27:3;  
28:15; 32:21, 22, 33:24;  
36:11; 47:19; 49:16;  
50:22; 62:12; 85:25;  
90:13; 97:14; 129:14;  
135:18; 139:3, 24; 145:8;  
149:25  
five 11:19, 22; 24:3;  
60:16; 70:13; 87:24;  
95:21; 115:12; 118:11;  
149:7  
flares 79:19, 23  
float 76:19, 21  
floated 105:17  
Floating 17:4  
floats 60:10  
focus 134:20  
fog 49:24; 50:6, 9, 10, 13,  
16, 17; 75:4, 8; 134:5  
foggy 49:22  
follow 102:11  
follow-up 89:7  
following 45:15  
follows 4:5  
fooling 10:17; 11:18  
foot 41:13  
force 5:16  
form 40:12, 13; 66:21, 23;  
86:25; 87:2; 89:4  
former 18:23; 146:9;  
147:10  
formulate 95:9  
forth 95:7  
forward 77:14; 78:4, 7,  
11, 13  
found 79:4, 8; 88:25;  
121:2  
four 19:17; 48:13, 14;  
63:9; 87:24; 103:15;  
107:12; 129:4; 137:18;  
142:20; 143:21; 149:7;  
150:19, 20; 151:22  
fourth 61:5  
Foxwoods 18:14, 15, 17,  
20, 22; 19:2  
frequent 128:7  
friend 10:17; 11:17  
friends 112:22; 116:10  
front 35:24; 39:25; 41:14;  
76:5, 7; 77:6; 141:20  
full 4:10; 41:16; 56:19, 20;  
57:23; 59:10; 60:21; 90:2  
full-time 148:8  
further 89:6  
future 94:6, 23

## G

G-a-e-l 28:9  
G-u-r-c-h-i-k 151:7  
Gael 28:5; 38:21

gained 24:2; 25:24  
Gales 147:17  
gaming 19:3  
gaps 102:9  
garage 144:11  
Gargin 144:4, 8, 14  
Gary 32:23; 153:4, 5, 9  
Gary's 153:7  
gave 7:5; 35:9  
Geal 132:12; 142:8, 16  
gear 61:8; 64:12, 14, 22;  
65:10; 24; 66:2, 13, 14;  
67:10, 23; 93:22; 95:11;  
111:3  
general 24:9; 92:8, 9;  
111:21, 25; 130:4; 139:4,  
8, 12; 140:4; 144:22  
generally 62:14; 117:7;  
144:20  
gentleman 143:23  
Georgia 33:18  
gets 122:4  
given 34:25; 46:22;  
65:25; 83:4; 109:6, 9, 23;  
113:2  
gives 7:2; 153:10  
good 60:5; 102:4; 141:24;  
148:24  
Google 123:17  
Googled 123:13, 20  
GPS 140:11, 13  
graduate 34:4  
graduated 9:23; 10:8;  
17:17; 20:11  
graduating 17:19; 18:10  
Grasso 17:15, 19  
great 40:11  
gross 91:23  
Groton 17:15; 28:17  
ground 6:4; 102:10  
grounds 49:16; 50:22;  
62:13  
growing 24:23  
Guard 14:10, 11, 16, 17,  
19; 15:3, 6, 13, 15; 16:3,  
13, 18, 20; 26:15; 36:16,  
18, 21; 37:11, 23; 38:5, 8,  
18; 39:22; 40:10; 41:2, 3,  
22; 42:4, 8, 8; 43:16, 17;  
44:4, 7, 16, 21; 45:19;  
46:2, 4, 7, 13, 18, 21, 22;  
47:2; 72:18; 82:21, 25;  
83:3, 17; 85:6, 8; 132:19  
guess 21:2; 80:24; 87:3;  
89:3, 4; 143:5  
guessing 11:11  
Guilford 19:9  
guilty 31:15  
Gurchik 151:7, 12  
guy 151:15  
guys 120:10; 121:8, 11;  
122:10; 132:24

## H

H-i-n-e 104:12  
H-o-n-g 111:9  
half 32:18; 49:7; 52:21;  
55:11; 56:25; 57:7; 77:6,  
15; 78:4, 7, 11; 113:14, 15,  
16; 121:16; 142:24; 145:3  
halfway 9:6; 31:17, 21,  
23, 25; 32:7, 10, 14; 57:19,  
21; 59:11; 60:24; 108:7,  
20, 22; 118:24; 119:9;  
133:7  
hand 27:25; 33:23; 34:13;  
99:17; 135:4, 5  
handed 14:14  
handwriting 42:11, 24;  
43:4  
hanging 76:18, 20, 21  
happen 8:13; 29:22;  
68:4; 144:21; 150:4  
happened 8:18; 18:19;  
19:12; 28:12; 42:11;  
57:14, 18; 61:14; 64:9;  
65:9; 68:6; 76:9, 10, 15;  
77:7; 78:22; 87:17; 99:12;  
130:12, 15  
happens 130:3; 145:12  
hard 75:18; 148:23  
hatch 77:14  
haul 55:19  
hauler 62:22, 24  
hauling 55:21; 57:17;  
61:7; 63:7  
Haven 31:22, 24; 32:13,  
17; 106:22; 152:24  
head 6:8; 69:13, 14;  
134:19  
heads 79:12  
headway 67:19  
Healey 17:12; 19:23;  
22:25; 26:17; 28:9; 33:11;  
40:4, 8, 18, 19, 21; 41:7,  
11; 42:19; 47:12; 50:23;  
53:8; 54:3; 55:14, 18;  
66:21; 71:17; 86:7, 14, 25;  
89:3, 10; 92:13, 24; 93:3,  
5, 9, 15; 94:11, 25; 95:5;  
99:3, 6; 101:2, 8, 17;  
109:15, 18; 110:8, 9, 12;  
112:24; 113:5, 11, 25;  
119:17; 141:9, 13, 23;  
142:16, 25; 144:3, 12, 18,  
25; 145:16; 154:10  
health 112:14, 18;  
113:20, 25; 114:11, 13, 16,  
24; 115:8, 20; 117:2;  
118:14, 20; 120:15, 23;  
121:2, 6; 122:7; 124:10  
hear 61:18; 75:4, 7, 18  
heard 62:2; 75:20; 123:24  
hearing 50:17; 67:15;  
75:9, 11, 14  
helicopter 37:12; 43:8;  
80:23

help 101:20; 125:11;  
127:6; 129:9, 18; 137:8  
helped 128:22; 137:13  
helpful 122:13  
Helping 55:23, 24  
hide 130:5  
high 9:24; 10:6, 7, 8;  
17:14; 18:10; 69:21; 70:17  
higher 69:13  
himself 37:3  
Hine 104:10  
history 101:11  
hit 16:11; 61:14; 68:7;  
69:3, 10, 20, 24; 70:7, 23;  
71:4, 4, 9; 73:11; 75:15,  
25; 76:14; 130:16, 17;  
131:16; 145:2  
hitting 148:24  
hold 20:22  
holding 79:12, 13; 81:12,  
20, 22; 82:7  
holiday 29:12  
home 4:14; 12:11; 25:8;  
47:5; 72:19; 117:17, 20;  
122:11; 132:18; 134:7  
Hong 111:7, 12, 14, 20,  
22; 112:4; 125:17, 19, 21;  
126:4, 7, 9, 11, 14; 128:13,  
16, 18; 132:14  
hope 34:11  
hopefully 102:7  
horizon 134:5; 146:5  
hospital 83:18, 21, 24;  
84:5, 22  
Hot 135:7  
hour 49:7; 52:21; 55:11;  
56:25; 57:7  
hours 8:20; 27:19; 35:23,  
25; 37:17; 39:3; 43:14, 18;  
45:20; 48:16, 20; 49:17;  
55:6; 57:2; 80:24; 84:3;  
137:18; 143:8, 12, 12, 16,  
19  
house 9:6; 31:18, 21, 23,  
25; 32:7, 10, 14; 47:25;  
62:23, 25; 63:3, 5, 8, 22,  
25; 64:11, 13; 68:9, 11, 21;  
73:13; 80:11; 81:14;  
108:7, 20, 22; 118:25;  
119:9; 133:7; 148:5  
houses 148:6  
Hudson 33:18  
hull 69:23; 73:12  
hurt 30:12  
Hyde 18:4

## I

ice 81:11, 13, 19  
idea 98:6  
Identification 39:24;  
82:17  
illegal 7:18; 13:5; 86:23;  
89:14, 15, 16



**MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA**

**BENJAMIN SCHOBBER  
March 29, 2007**

imagine 127:16  
immediate 66:25  
Immediately 31:5, 10;  
124:22  
impact 70:22; 134:14  
impacts 134:22  
implies 31:25  
important 7:11  
impossible 122:4  
improper 94:11  
incarcerated 9:7; 97:23,  
24  
incarceration 9:2  
incident 10:24; 11:3, 24;  
12:3, 18; 13:13, 15; 14:22,  
24; 43:15; 45:7, 9; 46:19;  
90:5; 92:10; 93:18, 21, 25;  
94:10, 15, 20; 95:16;  
123:25; 124:14; 133:22;  
136:9; 144:24; 146:19  
income 91:23, 25; 95:15;  
96:4, 8; 97:19; 98:3, 7, 10,  
13, 14, 20, 22, 24; 99:4, 6,  
9; 101:6, 7, 14, 15  
increase 67:16  
indicates 85:12, 16  
individual 54:11; 81:7, 8;  
82:11  
inexactly 91:10  
inflated 78:6, 9, 10  
influence 7:17, 20  
informal 5:12  
information 124:3  
initial 42:2; 106:2  
injured 21:11; 112:6;  
147:22  
injuries 110:22  
injury 21:12  
Inn 19:21, 24; 103:12  
inpatient 108:2  
inquire 91:5  
inquired 88:23  
INSERT 119:18  
inside 62:22  
insinuation 93:10  
Instead 6:16  
Institute 17:23, 25; 18:6,  
9, 13; 20:12; 34:4  
instructed 35:13  
instructing 35:22  
instruction 34:25; 35:6;  
36:10  
instructions 35:10; 65:7  
insurance 22:19; 114:13  
intend 128:18  
intent 141:16  
intention 110:19; 140:20  
interview 38:25; 42:7;  
43:22, 25; 44:6, 11; 45:7,  
17, 22, 25; 46:9  
interviewed 36:21;  
37:24; 38:18; 44:2, 3; 73:2;  
141:25; 142:10

interviewing 43:20;  
142:6  
interviews 142:8  
into 40:10, 43:19; 56:12;  
58:19; 59:8; 61:11; 62:4,  
24; 63:3, 5, 7, 22, 25;  
64:11, 13, 22; 66:2, 13, 14;  
67:10; 77:17; 78:19;  
80:11; 100:13, 20; 105:19;  
117:6; 120:25; 122:15;  
144:7; 146:21; 153:22  
introduce 37:3  
introduced 37:16; 38:7;  
144:14  
investigated 135:21  
investigating 40:10  
investigator 36:22, 25;  
37:16, 18; 38:3, 6; 39:4;  
41:23; 42:4, 8  
investigators 85:7  
involved 21:5; 110:16;  
139:5  
Island 24:15; 82:22;  
137:7; 138:15  
issue 7:9; 127:21  
issues 138:19

## J

J-a-y-n-e 23:2  
jail 8:7, 23; 9:3, 5, 9, 13;  
30:18; 31:4, 6, 10; 98:18;  
118:22, 24; 120:9, 11;  
127:10, 12, 14, 17, 22, 24;  
133:5; 140:19  
Jayne 22:24; 23:2; 29:17;  
19, 23, 25; 30:14; 97:9, 10;  
99:20; 100:15, 24; 104:25;  
139:11; 149:15; 150:15,  
25; 151:9, 21; 153:18  
jelly 135:7  
Jersey 130:11; 132:20  
Jill 14:5  
job 31:22; 32:12; 53:12;  
95:8; 134:15, 22; 135:2, 6,  
11; 153:8  
jobs 103:9; 135:21, 24;  
148:6  
joint 88:8; 129:17  
judge 5:17  
July 29:5, 8, 9, 10, 11;  
100:23; 148:10  
jump 36:12  
jumpy 134:10  
June 126:12  
jury 5:18

## K

keen 136:19  
keep 6:7; 20:6, 6; 128:7;  
135:17; 141:6; 145:5  
kept 66:24; 78:2  
kids 147:2

kind 12:23; 20:22, 23;  
21:6, 9; 29:25; 30:5; 33:2;  
35:17; 37:22; 71:21;  
75:18; 100:4, 13; 101:20;  
109:6, 23; 111:4; 122:23;  
125:10, 135:24, 141:18,  
21  
kinds 34:14; 122:16  
Kirsten 85:5; 132:12;  
142:17  
Kirsten's 14:2  
knew 105:13; 138:12  
knife 65:4  
knock 129:15  
known 62:12; 116:20  
Kristen 13:23

## L

L-a-m-b 22:16, 17  
L-o-m-b-a-r-d-o 116:15  
L-y-n-n 151:7  
laid 103:11  
Lamb 22:14, 17, 20; 23:4;  
104:24  
Lamb's 30:16  
lanes 134:4  
large 66:15, 17; 67:3;  
68:7; 69:2; 145:9; 146:3  
last 4:12; 22:15; 32:24;  
33:8; 39:2; 45:19; 46:17;  
54:5; 85:22; 87:9; 98:21;  
104:16; 105:2; 106:23;  
107:11; 111:20; 112:4, 15,  
18; 114:22; 115:13;  
119:11, 13, 15; 126:11;  
143:7, 11; 149:9; 151:25;  
152:18  
late 43:10; 64:16; 85:2;  
105:2  
later 6:21; 7:2, 6; 11:13;  
26:21; 37:17; 39:16;  
107:18; 141:19  
Latti 22:9  
Laura 104:10  
lawsuit 21:23, 25; 22:2, 4,  
13  
lawyer 40:5; 103:25  
lawyers 66:23  
learn 26:6  
least 56:17; 79:25  
leave 18:22; 25:8; 27:20;  
30:16; 49:6; 119:14; 154:4  
leaves 118:5  
left 32:13; 49:14, 20;  
51:11, 15; 102:20  
legal 95:8  
length 40:11; 58:6  
less 69:21; 98:19; 118:9  
license 8:21; 19:3; 20:23  
licenses 20:22; 26:14  
Lieutenant 38:13, 16;  
45:18  
life 6:4; 11:20; 36:13;

74:8, 10, 12, 15, 21, 22,  
25; 77:20, 25; 78:6, 12, 16,  
18, 19; 79:9; 80:22, 25;  
136:10; 138:23; 153:13,  
15  
light 70:2  
line 69:17; 70:8; 123:11  
lit 79:23  
literally 120:12  
litigation 121:17  
little 23:12; 25:12; 36:12;  
50:8; 67:20; 70:21; 76:23;  
79:6; 84:24; 98:19;  
134:10; 136:14, 15  
live 4:18; 5:2, 2; 116:8,  
18; 147:6, 10; 151:17;  
152:23, 25  
lived 4:16  
living 131:22  
lobby 102:6  
lobster 28:17; 29:15;  
62:13; 97:2; 99:22, 23;  
133:9; 139:10; 147:25;  
148:13; 149:15; 150:12;  
153:20  
lobsters 30:11  
local 102:21  
located 9:13; 19:8; 76:3;  
111:12; 112:7; 126:20;  
147:16  
location 18:3  
Lombardo 116:15, 18,  
20; 117:11; 132:9  
London 9:12; 19:15;  
27:21, 22; 33:5; 44:7, 8,  
19; 90:16; 123:6, 9; 124:6;  
136:4  
long 4:16; 18:17; 19:10,  
16, 22, 25; 20:8; 23:4, 25;  
24:15; 27:14, 17; 28:23;  
29:18; 32:16; 33:19;  
35:21; 38:25; 41:5; 45:17,  
19; 49:5, 14; 52:19; 55:4,  
10; 60:14; 77:23; 80:21,  
22; 82:22; 85:21; 103:2,  
13; 106:23; 107:11;  
111:14, 18; 116:20; 117:4;  
126:24; 128:8; 135:17;  
136:7; 137:17; 143:6, 11,  
15  
longer 58:3; 120:11  
look 13:10; 14:12; 41:18;  
42:19; 53:23, 24; 54:4;  
58:9; 61:4; 63:4, 4, 22, 25;  
67:18; 84:8; 109:18;  
110:14; 141:23  
looked 14:9; 15:6; 17:11;  
46:21; 75:3; 120:25;  
130:20; 135:25; 140:10  
looking 56:3; 62:24;  
70:23; 71:8; 79:6; 141:12,  
15, 19, 21; 142:12, 13, 14;  
148:8  
looks 13:21  
looming 75:3, 8  
Loran 140:11, 13  
Lorelei 19:15

lose 134:20  
loss 92:17; 93:13, 17, 18,  
20, 23, 25; 95:3, 11, 15;  
96:4; 111:2, 3  
losses 92:10, 19, 20, 21,  
23; 94:9, 14, 19  
lost 96:8; 99:14; 111:2  
lot 47:20; 120:10; 135:20;  
148:4, 4, 15  
Lynn 151:7

## M

M-a-r-e-n 114:22  
magazines 122:23  
Main 12:10; 30:9  
Maine 9:6  
maintenance 34:19  
major 12:5  
makes 134:18, 19;  
145:20  
making 21:22; 92:22;  
93:10; 99:21, 24; 103:16  
management 12:24  
mandated 106:18  
many 8:2; 11:5; 27:15;  
45:6; 52:12; 63:6; 79:24;  
105:19; 115:3, 10; 132:17;  
142:3, 19; 147:4; 150:18;  
151:21  
March 7:6  
Maren 114:20  
marijuana 85:13, 17, 22;  
86:2, 4, 10, 16, 18; 87:3, 6,  
9, 10, 20, 23; 88:4, 6, 10,  
13, 21; 89:2, 13; 148:25  
marine 21:6, 9; 26:14  
maritime 25:19, 22  
mark 82:13  
marked 39:21, 23; 40:2,  
5; 41:20; 42:16; 53:22;  
54:8, 13; 82:16, 19  
markings 70:5, 6, 17, 25;  
72:9, 12, 15  
marks 47:7  
marriage 104:21  
married 4:24; 104:5, 7,  
13, 17  
material 79:20  
materials 109:9, 23;  
110:2  
math 9:23  
matter 65:11; 77:3;  
132:21  
matters 17:7  
May 27:9, 10; 41:5; 45:10,  
12; 47:13; 50:23, 24;  
72:21; 73:4, 4; 80:2; 84:21;  
146:15; 147:19, 24  
maybe 10:11; 43:13;  
48:15; 65:22; 92:14;  
96:22; 111:17  
mean 6:22; 56:8; 73:12;  
74:21; 75:18; 128:4, 7;

BENJAMIN SCHOVER

March 29, 2007

MICHAEL STEPSKI v.

THE M/V NORASIA ALYA

129:24; 133:15; 136:16;  
144:4; 145:23  
meaning 111:2; 120:16  
means 31:15  
medical 111:22; 112:3,  
11, 12  
medication 125:10;  
147:19  
medications 7:15  
Medicine 82:16; 85:11  
meet 143:18  
meeting 113:7; 143:6, 9,  
11, 13  
meetings 142:15, 19;  
143:17, 22  
Melissa 22:24; 23:2;  
29:17, 18, 23, 25; 30:13;  
97:8, 10; 99:20; 100:15,  
24; 104:25; 139:11;  
149:15; 150:15, 25; 151:9,  
21; 153:18  
members 13:18; 88:20,  
24; 114:17; 151:23  
memory 151:8  
mending 34:16  
mental 112:14, 18;  
113:20, 24; 114:10, 16, 24;  
115:7, 20; 116:25; 118:14,  
19; 120:15, 23, 25; 121:6;  
122:7  
mention 62:2; 116:22  
mentioned 38:13;  
114:15; 116:2, 10; 124:13;  
129:20  
merchant 26:14  
mess 130:15; 136:13  
met 46:12, 16; 102:5  
Middle 29:10; 54:19;  
106:2; 125:4; 129:5  
midnight 84:25  
might 11:12; 26:20; 38:7  
Mike 14:5; 23:19, 21;  
26:25; 35:6; 38:21; 52:18;  
61:23; 64:11; 77:11;  
90:25; 102:5; 103:8, 14;  
132:12; 142:7, 16; 149:21  
Mike's 85:5  
mile 145:3; 146:6  
miles 51:23; 140:8;  
145:25  
military 26:11  
milk 129:12  
mind 133:17  
mine 18:23; 34:10  
minimal 92:21, 25; 149:6  
minute 92:25; 154:3  
minutes 55:11; 57:8;  
60:14, 16; 70:13; 77:3;  
154:11  
miss 30:13; 122:2;  
141:20; 150:13, 15, 18;  
152:2, 7, 12  
missed 150:21; 152:6, 13  
missing 150:25; 152:8,  
16

mistakes 42:6  
misunderstood 92:14  
Mohican 20:7; 102:14, 20  
moment 41:20; 70:22  
Monday 45:14  
money 92:15, 17; 135:20;  
148:7  
Monkfish 30:11; 49:19  
Montauk 36:11; 51:23;  
140:8  
month 117:15, 22  
months 9:3, 4, 5, 10;  
14:7; 18:18; 20:2; 23:5;  
24:3; 25:9; 28:24; 29:4, 15;  
88:3; 95:17, 18, 21, 25;  
96:5, 9, 11; 98:19; 103:6,  
15; 107:12; 117:5; 126:25;  
136:3; 137:3; 138:5;  
143:10, 14, 18; 148:17;  
150:5; 152:13, 14  
Montville 9:14; 116:9, 19;  
126:21  
more 50:5; 54:19; 57:24;  
65:7; 74:19; 87:15;  
107:15; 115:6, 9; 118:9;  
122:2; 125:2; 127:4;  
128:13, 19; 152:7  
morning 47:17; 52:4;  
84:21; 102:5  
most 7:11; 8:7, 10; 54:6;  
131:19; 134:11  
mostly 75:20; 120:5;  
127:10; 136:2  
mother 147:6  
motor 15:10, 19; 20:23  
mounted 74:15; 77:25  
mouth 41:13  
moved 32:20; 68:14, 15,  
22, 23  
Mrs 118:13  
much 25:6; 48:10, 11, 12;  
49:3; 50:5, 8; 56:14, 15;  
57:20; 59:2; 88:6; 90:22;  
93:20; 24; 97:3, 9; 98:14,  
21; 100:5; 103:16, 20, 22;  
117:7; 121:2; 128:8;  
132:23; 133:13, 14; 136:4,  
5; 137:16; 143:18; 148:19;  
149:5; 154:8  
mustard 79:18  
myself 42:13; 129:15  
mystery 144:6  
Mystic 33:15, 16, 19, 22;  
97:14, 15; 105:7; 117:14;  
152:2, 3; 153:16, 24

## N

name 4:10, 12; 22:8, 15,  
23; 32:24; 33:13; 36:24,  
25; 37:2; 70:24; 73:2;  
84:11, 14; 102:4; 104:9;  
105:6, 24; 107:20; 111:10;  
112:9; 113:2; 114:22;  
119:10, 11, 12, 13, 15;  
131:6; 132:10; 143:24;

151:6, 15; 152:18, 21  
names 37:8; 38:10;  
114:19; 116:13; 151:25  
near 129:25; 130:2;  
136:12, 18  
necessarily 108:15  
need 40:10  
needed 66:19  
Neighbors 148:6  
nervous 130:4  
net 52:3, 7, 10, 17; 53:2,  
16, 20; 54:15; 55:5, 7, 12,  
15, 20, 21, 23; 56:14, 16,  
21, 24; 57:8, 12, 14, 15,  
17, 22, 25, 25; 58:3, 4, 17,  
18; 59:4, 6, 8, 11; 60:7, 8,  
10, 13, 15, 18, 19, 25;  
61:16, 25; 62:4, 7, 7, 8, 22,  
24; 63:7; 80:8, 9, 15, 15,  
16; 91:25  
nets 27:25; 34:16, 16, 17;  
51:24; 52:12, 23; 53:6, 7,  
13; 56:3, 6, 7, 8, 10; 59:14,  
16, 19, 19, 22; 60:4; 61:12;  
65:8, 10, 15; 80:12; 90:6,  
8, 10, 11  
New 9:12; 19:15; 21:13;  
27:21, 22; 30:4; 31:22, 24;  
32:13, 16; 33:5; 44:7, 8,  
17, 18; 83:22, 24; 84:5, 22;  
85:3; 90:16; 106:22;  
112:8, 10; 123:6, 9; 124:6;  
132:19; 136:4; 151:10;  
152:24  
Newark 130:13  
news 141:22  
Newspaper 123:4, 5  
Next 20:3; 29:16; 39:21;  
53:18; 54:20, 23; 56:2;  
57:15, 20; 58:13; 76:15;  
82:14; 107:4; 108:5;  
143:9, 13  
night 32:3; 47:18, 20;  
48:2, 6, 9; 83:25; 85:2;  
86:4, 16; 122:11; 125:4;  
129:6  
nine 20:2; 23:5; 51:18;  
52:4; 56:24  
nobody 144:12  
noises 75:5; 134:9  
noneconomic 111:2  
nonmental 124:10  
Norasia 15:10, 20, 23;  
16:2; 152:4  
normal 121:16; 136:19  
normally 101:4  
Norwich 4:19, 20, 21;  
12:8, 9; 19:21, 24; 102:25;  
103:12; 107:8; 111:13;  
147:11  
noled 40:14; 42:21;  
154:12  
notes 39:4, 9, 12, 16;  
45:21, 24; 47:7  
November 8:14; 29:20;  
30:17, 24; 100:23

number 84:17, 18  
nutty 136:14, 15  
  
o'clock 47:23; 51:12, 18;  
52:4  
oath 5:13  
object 40:13; 66:21;  
86:25; 87:2; 89:3  
objection 40:14, 16;  
42:19, 66:22  
objections 40:12  
obtained 110:13  
obvious 34:2; 65:13  
Occupational 82:15;  
85:11  
occur 8:16; 9:20; 10:5  
occurred 61:2; 68:7, 17,  
20; 75:2; 93:10  
odd 148:6  
off 5:22; 37:11; 40:21;  
53:8, 19; 54:15; 61:16;  
89:10; 92:25; 101:22;  
103:11; 113:12; 117:23,  
24; 118:2; 141:13; 145:23  
off-loaded 90:18  
Off-record 40:22;  
113:13; 141:14  
off-the-record 53:10  
offered 27:2; 121:15  
office 43:19; 44:23  
officers 44:17, 18, 21  
officials 38:5, 8, 11; 42:9;  
45:19  
often 25:4; 87:10, 22;  
88:4; 117:13; 128:24;  
133:21; 134:11; 145:12;  
150:4; 154:6  
old 5:5; 87:16; 147:8  
Once 11:8, 9; 87:12; 88:5,  
6; 136:25; 137:12; 142:4;  
149:3  
one 6:11; 8:17; 10:11, 20;  
11:5, 10, 12, 13, 23; 19:2,  
14, 20, 23; 20:9; 21:6;  
26:3; 33:21; 34:6, 7; 37:8;  
38:16; 44:18; 54:5; 56:17,  
19; 57:16; 59:2, 9; 60:7;  
67:22; 80:15; 88:10; 89:8,  
9; 94:5; 104:17; 115:6, 6,  
9; 117:22; 120:8; 127:4, 4;  
129:20; 136:11; 142:21,  
22; 149:6, 24; 152:6, 11,  
13; 154:3  
one-year 8:25  
ones 25:3  
only 6:10; 37:18; 63:24;  
65:11; 94:9; 97:24; 98:16,  
18; 110:25; 121:16; 123:9;  
126:2, 3; 133:17; 137:23  
onto 76:18, 20, 21; 77:6  
opened 18:23  
operate 26:6; 34:22, 23;  
35:2, 7, 13

operator's 26:22  
opiates 85:14  
opportunity 6:20; 7:3, 4  
option 121:20  
orange 54:11  
order 65:25; 66:6; 95:7  
ordered 107:9  
Orient 138:3, 20  
orientation 59:14  
original 82:9  
others 11:22  
Otherwise 101:9; 143:4  
out 23:25; 25:11; 27:7;  
30:3; 32:2, 2; 33:4; 34:17,  
18; 36:11; 37:13; 47:16;  
49:18; 50:2, 22, 25; 51:8;  
53:7, 13; 55:5, 16; 56:8,  
10, 15; 58:17; 60:13;  
64:12; 65:5; 66:19; 68:21;  
75:3, 8; 77:8, 16; 78:6, 8,  
16; 82:8; 85:24; 88:25;  
90:11; 91:24, 25; 92:2, 3,  
12; 94:21; 95:17, 18, 21,  
25; 96:5, 8; 98:18; 103:7;  
117:16, 17; 121:2; 124:3;  
127:24; 129:16; 134:19;  
136:12, 23; 137:17; 143:2;  
149:24; 150:6; 151:2, 9;  
152:9; 153:5, 10  
out-patient 107:16, 17;  
108:3, 4  
outcome 12:20; 22:4  
outcomes 8:5  
oulines 93:24  
Outside 12:15, 16  
over 24:15; 39:11; 56:3;  
83:13, 15; 87:19; 89:9;  
96:11; 129:12  
overcoat 54:12  
overnight 137:4  
overwhelmed 139:16  
own 33:2; 42:11; 43:4;  
46:25; 78:9, 10; 122:7, 11,  
19; 136:21  
owned 23:20; 24:21, 22;  
28:21  
owner 22:21

## P

P 106:2  
P-h-i-l-i-p 106:7  
p.m 154:12  
pack 49:4; 81:7, 22; 82:3;  
149:22  
packaging 82:9  
paddling 78:23; 79:15,  
21  
page 82:20; 84:8; 141:20  
paid 8:21; 89:19, 21, 23;  
90:3, 20, 22; 91:13, 24;  
99:15, 25; 100:5, 8, 16  
painkiller 147:23  
pancake 79:18



paper 39:5, 13; 141:3, 15, 21	Pin 102:23; 103:2, 4, 16	125:8, 23; 126:2; 127:8, 11, 25; 129:21; 134:20; 145:15, 153:25	raft 36:13; 74:8, 10, 12, 15, 21, 23; 77:19, 20, 25; 78:6, 12, 16, 18, 20; 79:9; 80:23, 25; 105:20	referring 16:10
papers 95:7; 110:12	place 12:7; 44:6; 45:7, 9; 51:24; 61:15; 68:12; 107:20; 120:10	proceedings 6:22	raincoat 54:12	refill 126:22
Parents 5:4; 24:20, 21; 25:17; 26:4; 114:18, 19, 23; 115:7; 123:23; 132:6; 136:21, 23; 137:20; 138:14; 148:5	plan 135:16	process 21:22; 106:19	raise 7:9	reflect 46:8
Park 18:4	planning 59:20; 94:5, 22	processing 34:17	raised 24:14; 74:7	reflects 41:22
part 11:2; 14:11; 40:9; 41:3; 73:13, 14; 74:4; 97:25; 106:18; 108:8	please 4:9, 14; 6:5, 11, 16; 92:7; 95:2; 104:11; 116:13	produce 95:2; 99:7	ran 64:11, 13	refresh 43:2
particular 74:5; 113:24; 115:16; 116:22; 128:17; 145:15	pled 31:15	production 101:3	rather 64:25	regarding 89:19
particularly 125:2	plot 140:14, 15	professional 113:21, 25; 114:11, 16, 25; 115:8, 20; 117:2; 118:14, 20; 120:23; 121:2, 6	read 6:21; 14:16; 93:15, 16; 122:22, 25; 123:5, 10, 11	regular 88:13; 122:5
party 11:17	plotter 140:16	professionals 112:15, 18; 124:10	reading 42:2	regularly 87:19; 88:21, 25
passed 75:16	Pockets 135:7	program 107:2, 13; 108:20; 109:2, 10; 110:13; 149:20	readings 140:9	regulations 85:8
passengers 138:10	point 37:15; 61:5; 64:18; 66:4, 14; 68:23, 24; 75:14; 77:20; 123:21; 138:3, 20	programs 110:17, 20	ready 65:5; 117:24	relate 124:14
past 21:2; 133:11	police 12:6	proper 109:20	real 77:23	related 14:23
pay 21:24; 100:4; 121:9	poor 151:8	prove 101:5	realize 5:13	relates 150:2
payment 91:6	pop 77:22	provide 85:8; 100:3; 109:14; 119:16; 141:9; 151:25	really 74:8; 75:20; 94:7; 129:15; 131:16, 21	relating 13:15
peanut 135:7	popped 82:10	provided 99:5	Rear 68:11	relationship 54:17; 117:10
peculiar 101:8	port 54:25; 55:3; 59:9; 71:9, 10, 12; 72:19; 73:3, 7, 20; 74:17; 130:14	proximity 145:10	reason 66:5; 113:19; 128:17; 150:25	released 31:17, 20; 98:10
pen 57:21; 58:10, 20, 22; 59:7	position 27:2; 140:14, 15	psychiatrist 114:8	reasonable 101:21	relive 133:24; 134:2, 11
pens 56:12, 18, 19; 58:14, 18; 90:14, 14	positive 85:16	psychologist 114:8	reasonably 145:12	relived 133:18, 21
people 38:17; 133:5, 7	possession 13:5	PTSD 114:4, 5; 118:24; 119:6, 21; 120:16; 121:7; 122:20, 24; 123:10, 13, 17, 24; 124:11	reasons 120:9, 20	reliving 133:12
per 97:4, 9, 12, 15, 17	Possibly 48:4, 6	pull 55:5; 56:10, 15; 77:16; 90:10	recall 11:9; 35:12; 42:12; 43:7, 24; 45:6; 49:23, 25; 50:12, 13, 14, 16; 55:4; 60:15, 22; 61:21, 24; 62:9, 20; 63:2, 6, 21; 64:14, 20; 67:15, 21, 25; 71:2; 72:7, 14, 18, 25; 73:15; 74:6, 16; 75:9; 77:2; 84:22; 90:22; 98:14	remember 10:16; 37:2; 41:3, 6, 8, 9; 42:18; 47:22; 50:17; 62:4; 65:18; 69:23; 71:11; 75:11, 14; 22; 109:4; 111:18; 119:15; 121:18
percentage 91:15, 18, 22	Post-traumatic 114:6	pulled 53:16; 55:8; 56:15; 58:16, 17; 60:13; 78:8, 15	receive 17:20	repeating 102:7
perhaps 73:19; 128:19	practice 111:21; 153:22	pulling 55:12, 14, 15; 56:8, 20; 57:16; 59:4, 6, 8	received 100:19; 108:5	report 14:10, 11, 16, 17, 20; 15:4, 6; 40:10; 41:2, 4, 5; 46:2, 4, 7, 21, 23; 47:2, 6, 7, 15; 82:16; 85:12
period 51:5; 55:17; 56:5; 63:3; 80:18; 87:23; 108:17	practitioner 111:25	put 23:20; 37:13; 41:12; 64:11, 14; 65:10, 24; 66:13, 14; 67:10, 22; 77:19; 78:20; 81:13; 82:6, 18; 101:10; 150:21; 154:2, 3, 5	recent 8:10	reporter 5:20; 6:2, 10
periodically 32:4	prefer 34:8	putting 13:22; 39:25; 65:25	recently 8:7	repositioning 80:9, 14
periods 120:11	prepare 95:7		recess 70:14; 89:11; 101:24	represented 22:7
permission 105:14	prepared 93:23; 94:16		recognize 42:22; 53:25	request 99:4; 119:3, 8
permit 26:23	preparing 13:8, 11; 94:5		recollection 41:21, 25; 43:3; 46:7; 78:5; 83:12; 86:13	required 18:25; 19:2, 3; 85:7
person 6:11; 22:12; 58:12; 63:24	prescribed 125:17		recommend 115:16; 118:18	rescued 36:15; 80:23; 82:25
personal 95:11	prescription 126:15, 17, 22; 127:9		recommendation 112:21; 113:6, 20; 115:25	reserve 89:7
personally 22:18; 141:12	present 5:18; 44:10; 45:3		recommended 112:17; 114:2, 3, 7; 115:22; 123:19	reset 55:19; 57:8; 80:8
Pharmacy 126:19	presently 7:17; 110:16		recommending 123:21	resetting 60:12
phenylcyclidine 85:14	pretrial 95:7		record 4:10; 5:23; 6:7; 26:20; 39:23; 40:16, 21; 41:19; 53:9; 89:10; 92:25; 93:3, 5; 99:12; 100:7; 101:23; 102:10; 113:12; 141:13	respect 76:3; 111:3; 119:5
Philip 106:6	pretty 6:6; 25:6; 57:23; 59:2; 65:13; 67:14; 69:19; 76:23; 132:23; 133:13, 14; 134:20; 143:18; 145:3; 148:24		recorded 5:24	response 6:6; 119:20
photograph 54:22, 23	previously 42:16		recording 42:4	responsibilities 33:24, 24
photographs 13:10; 14:23; 15:2, 5, 7; 16:13, 21, 23; 53:23, 24, 25; 54:7, 13	price 91:16; 121:5		records 99:9; 100:21; 101:4, 7, 10, 15	restaurant 18:21, 24; 19:5, 13, 19; 20:3, 4; 135:14, 22
photos 16:24	print 124:3		red 70:16	restaurants 20:14
physical 110:22	prior 4:18; 8:15; 85:24; 88:3; 95:22; 145:8		reddish 70:9	result 85:19; 93:18, 21; 94:14; 95:16; 110:23; 129:21, 22; 138:23
pick 51:25; 53:12; 55:2, 5; 90:10; 105:19	prison 98:10		reentering 120:12	retained 144:17
picked 58:17; 85:5	privately-owned 137:20		refer 23:23	retrieve 77:8
picking 53:17; 55:16; 61:16; 63:15, 18; 68:13	probably 9:24; 37:17; 47:23, 25; 48:20; 60:5, 16; 63:9, 20; 81:13; 85:23; 87:7, 12; 93:22; 94:24; 95:14; 96:6; 98:15; 100:25; 115:15; 117:5; 119:19; 130:8; 152:14			return 97:19; 98:11, 13; 99:5, 9
picture 58:12	problem 125:3; 134:24			returned 139:7
pictures 16:25; 17:2	problems 113:22; 116:7; 124:14, 18, 19, 21, 23;			returns 98:24; 118:5
piece 39:5, 13; 104:3				review 13:7; 14:2, 4, 6
pill 127:4, 4				reviewed 14:14; 41:2; 47:6
pilot 62:23; 63:22, 25; 80:11				

## Q

quick 76:24  
quickly 134:21  
quite 84:25; 90:15

## R

race 25:15  
raced 24:14  
radar 26:3, 5, 7; 34:22, 23, 24; 35:3, 7, 13, 14, 18, 22, 25; 36:4; 56:3; 61:19, 22, 23; 62:3, 11, 15, 18, 21; 63:4, 11, 14, 18, 22; 64:2, 6; 66:24; 134:5  
radars 25:25  
radius 35:16



BENJAMIN SCHOVER

March 29, 2007

MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA

reviewing 47:8  
rides 34:18  
Right 6:9, 23, 24; 10:10,  
20; 11:14, 21; 18:9; 20:10;  
23:15; 29:7; 34:2; 36:8, 17;  
43:21; 45:16; 50:20;  
51:16, 20; 52:11; 53:4, 14,  
18; 54:20; 55:20; 56:22;  
57:3, 9, 13; 58:8, 15, 20;  
59:5, 21; 61:11; 64:2, 3;  
67:11; 68:9; 75:19; 76:13;  
78:20; 84:15; 85:15, 18;  
86:3, 22; 88:2; 89:7; 91:12;  
95:20, 23; 96:2, 15, 25;  
97:7; 98:2; 108:24; 110:6;  
118:11; 127:18; 135:17;  
136:6; 137:10; 142:7;  
145:17  
right-hand 84:16  
Robert 22:14; 105:25  
Roderick 38:22; 44:25;  
49:11; 56:4; 61:19; 62:16;  
63:10, 17, 21; 68:16; 88:9,  
16, 18; 95:4; 118:13;  
121:12; 122:6; 146:3  
Roderick's 14:5  
role 143:25; 144:2  
romantic 117:10  
room 37:23; 38:2, 8, 17,  
22; 45:2  
rope 21:14  
Roughly 143:14  
RPMs 60:21; 67:16  
rule 149:17  
rules 6:4; 102:10  
run 137:13  
running 133:16

**S**

S-C-A-D-D 107:22  
S-c-h-o-b-e-r 4:13  
S-c-h-o-l-b-e-r 84:13  
S-t-e-i-g-l-e-r 152:22  
safe 20:19  
safely 92:12  
sail 25:4; 137:8, 13  
sailboat 24:21, 22, 25;  
25:9, 14; 137:10  
sailboats 24:14, 15; 25:2,  
15, 22, 24; 26:4  
sailor 137:12, 12  
salary 91:3  
same 5:16; 24:25; 30:7;  
32:12; 38:22; 42:19;  
44:23, 25; 58:6; 61:15;  
62:14; 67:11; 68:12; 90:6,  
7; 102:10; 107:13; 110:9;  
114:22; 118:5, 6; 127:21;  
130:19; 139:4; 140:6, 24;  
151:24  
sample 85:8  
sandwiches 135:7  
sank 76:23; 77:2, 5  
sat 35:24; 80:17

satellite 16:24  
Saturday 45:10, 10, 12  
sauce 148:24  
save 124:6  
saw 46:2, 3; 67:13; 68:3,  
14; 70:17; 71:13, 24; 72:3,  
6, 19; 73:7; 75:3; 76:6;  
124:4; 126:3, 6, 11;  
130:16, 17; 146:4  
Sawyer 28:22; 29:3, 14;  
97:3; 99:25; 100:3  
saying 6:11; 61:10, 21;  
62:10, 12; 64:14; 65:18;  
96:22  
SCADD 107:22  
scared 134:18  
scarred 21:16  
schedule 118:4; 122:4,  
12  
SCHOVER 4:2, 9, 11;  
39:23; 82:17, 18; 84:12;  
88:15, 17; 89:13; 95:3, 10;  
99:4; 102:4; 105:25; 154:9  
school 9:24; 10:6, 7, 9;  
17:14; 18:10  
Scott 152:17, 25; 153:7,  
10  
Screen 82:16; 85:12  
sea 92:12  
second 11:16; 27:12;  
28:10; 50:18; 57:25; 58:3;  
59:6, 8; 60:15, 18, 25, 25;  
61:11, 25; 63:7; 70:10;  
80:9, 15  
seconds 65:11, 22; 68:5  
secrets 89:5  
section 76:22; 77:5;  
78:14  
Sector 82:22  
Security 84:17, 17  
seeing 41:3, 8, 9; 42:18;  
71:2; 75:22; 89:25;  
111:16; 115:7; 134:4  
seeking 120:8  
sees 117:8  
self-inflated 77:24  
sense 143:2  
sentenced 9:4  
sentencing 31:14  
separate 59:19  
separated 146:11  
separation 146:14  
September 105:2, 3;  
139:9  
sequence 61:13  
serve 8:25  
served 8:7; 28:16  
service 8:20  
Services 82:16; 85:12;  
91:6, 14  
session 121:22, 24  
set 39:16; 52:13; 53:23;  
55:9; 57:14; 61:11; 90:6, 7;  
95:7; 118:4

setting 5:12; 34:16; 57:11  
settle 103:20  
settled 21:20; 22:5  
settlement 103:23  
seven 48:15, 20; 111:17,  
20; 112:4, 15, 19; 118:11  
several 106:9  
shake 6:8; 130:5; 139:16;  
145:22  
share 89:21, 22, 24; 90:2;  
92:5  
sheet 82:21  
Sherman 4:21, 22  
shifts 34:18  
ship 61:8, 15; 66:7, 9, 15,  
17; 67:3, 3, 12; 68:3, 7, 14;  
69:2, 9, 20, 24; 70:7, 23;  
71:3, 8, 9, 13, 16, 18; 72:2,  
3, 13, 16, 20; 73:3, 11, 14;  
74:2, 5, 16; 75:3, 7, 15, 16,  
25; 76:4, 14, 16, 17; 145:9,  
17  
ship's 72:19  
Shipping 134:4  
ships 145:4; 146:3  
shit 65:17  
shore-side 135:21  
shortly 64:7, 9; 75:17;  
115:2; 123:16; 148:11;  
149:20  
shoulder 56:3  
shoulders 6:8  
show 16:13, 20, 23;  
39:16; 42:15; 45:24; 53:21  
showed 17:10  
showing 100:5, 21; 101:7  
shown 13:14, 20; 39:8,  
11  
shrug 6:8  
side 55:2; 59:9; 71:5, 9,  
10, 12; 72:12; 74:18, 20;  
75:19; 84:16  
sign 42:14  
signals 49:24; 50:9, 14,  
16, 18  
signs 124:11  
similar 130:20  
sister-in-law's 23:22  
site 123:12; 140:5  
Sitting 83:11  
situation 50:14  
situations 145:7  
six 12:25; 18:18; 35:23,  
25; 47:23; 49:17; 79:25;  
88:3; 105:21; 111:16, 20;  
112:4, 15, 18; 115:12;  
143:10, 14, 18; 150:5  
six-hour 51:4  
size 16:7; 131:17  
sleep 47:20; 48:16, 20;  
125:11; 127:6, 16, 21;  
129:6, 10, 18; 134:23  
sleeping 124:19, 21, 23;  
125:3, 23; 126:2; 127:8,  
11, 25; 128:10, 24

Slept 51:6  
Small 121:15  
smoke 85:25; 86:4, 9, 16,  
18; 87:22; 88:4, 6, 10, 21;  
129:17, 17  
smoked 85:22; 87:9, 20  
smoking 87:25; 148:25  
snapped 21:15  
Social 84:16, 17; 136:10;  
138:23  
soda 79:19  
sole 94:14; 100:7  
solely 135:11  
somebody 42:13; 113:2;  
115:23; 144:11  
someone 5:3; 12:5;  
15:18; 114:3; 116:11  
someone's 101:4; 135:5,  
11  
sometime 29:5; 30:24;  
31:18; 83:2; 94:22; 105:2;  
126:12  
Sometimes 25:11;  
117:12; 118:8, 9; 128:11;  
134:19; 147:13; 153:9  
Somewhat 128:2, 2, 3  
somewhere 57:10  
soon 28:25; 31:3; 61:24;  
65:9, 20; 68:3; 76:25  
sorry 8:23; 47:13; 88:17;  
93:16; 99:22; 145:8;  
149:9; 152:4  
sort 120:9, 13  
sorts 33:23; 134:19  
sought 120:15  
Sound 24:16; 50:9; 82:22  
sounded 50:13  
sounding 49:24; 50:16  
source 123:9  
south 51:23; 140:8  
Southeastern 107:24  
Spa 19:21, 24  
space 119:14  
speak 6:5; 17:6  
speaking 112:24  
specializes 114:4  
species 30:7, 9  
specific 48:8; 65:6; 87:4,  
5; 141:16  
specifically 12:9; 55:25;  
92:8; 119:5  
specifics 144:20  
spell 4:12; 22:15; 32:24;  
104:11; 111:8; 114:21;  
152:18, 21  
spend 35:21  
spoken 46:18  
sports 102:21, 23  
spot 77:20  
spring 109:3  
St 147:15  
stack 14:15; 75:23, 25;  
76:6  
stainless 53:18  
stand 34:20; 106:5  
standing 53:15; 54:12,  
14, 18, 18, 23, 25; 56:2;  
58:13; 61:15; 62:22;  
68:10, 12, 69:12, 16;  
73:22, 25; 76:11  
stands 107:23  
starboard 55:2; 71:5;  
74:19  
start 19:5; 20:16; 28:25;  
29:2; 32:22; 33:6; 41:14;  
99:22; 125:14; 136:17;  
146:14; 148:8  
started 23:13; 24:5, 9;  
25:20; 32:20; 43:20; 52:9,  
16, 23; 53:2; 56:25; 57:15;  
61:25; 62:6, 7, 8; 78:23;  
97:2, 8; 103:7, 14; 113:7;  
131:21; 139:16; 148:11  
Starting 24:17; 67:19;  
89:25; 95:22; 147:25;  
149:21  
state 4:9  
stated 40:11; 42:20; 61:7  
statement 42:10, 14;  
43:3, 23; 61:9; 93:24; 95:2;  
100:5; 109:19  
station 36:19, 22; 37:11,  
23; 38:18; 39:2; 41:23;  
42:9; 43:8, 17; 83:3, 18;  
84:4; 132:19  
stay 80:10; 93:2  
stayed 140:23  
staying 93:5; 125:9  
steel 30:2; 33:3; 53:18  
Steigler 152:20  
stemming 150:22  
stems 152:10  
Stepski 13:24; 23:20, 21;  
24:2, 6, 10; 26:25; 28:4,  
11; 35:6, 21; 38:21; 44:24;  
49:8; 50:3; 55:13, 17, 22;  
60:17; 61:19; 62:2, 9, 17,  
20; 63:2, 7; 64:2, 4; 65:15;  
66:12; 67:9, 21; 68:19, 23;  
78:8, 15; 79:7; 88:9, 12,  
23; 89:19; 90:25; 91:5;  
95:4, 22; 99:15; 103:8, 14;  
105:10; 118:13, 13;  
121:11; 122:7; 146:3;  
149:13, 21  
Stepski's 14:5  
stern 54:8; 71:7; 72:15,  
19; 74:11, 16; 76:11, 22;  
77:4; 80:10  
Steven 152:20  
Stevens 112:24; 113:5;  
114:2; 142:16; 144:18  
still 33:9; 37:7; 43:11;  
70:22; 77:18; 92:15;  
99:10; 104:13; 108:13;  
109:12; 110:2; 128:10;  
133:24; 136:21; 137:10  
stipulate 94:8

MICHAEL STEPSKI v.  
THE M/V NORASIA ALYA

BENJAMIN SCHOBBER  
March 29, 2007

Stipulations 94:12  
stopped 18:19  
Storrs 9:5, 8  
story 141:16  
stowed 78:12, 12; 81:9  
Street 4:21, 22; 12:10  
stress 114:6  
stretch 58:22  
string 60:25; 61:8  
strings 59:19, 19  
Stripes 102:23, 103:2, 5, 17  
strips 25:11  
struck 61:8  
studying 122:19  
stuff 40:5; 141:7  
stumble 141:17  
stumbling 143:3  
submit 84:3  
substance 144:8  
Sudden 134:9  
sued 22:17  
suggested 114:15; 116:11  
suggesting 54:3  
suggestion 114:24  
suggestions 119:23  
suit 37:14; 103:19; 104:23; 154:6  
suits 77:8, 13, 18; 78:19, 20; 153:23  
Sullivan 151:16  
summer 25:6, 7; 29:5  
Sun 20:7; 102:14, 20  
superstructure 73:10; 74:17  
supply 109:19  
sure 48:10; 54:5; 59:16, 24; 74:13, 13; 77:23; 80:3; 83:8; 86:13; 89:25; 133:14; 143:24; 144:10; 148:23  
surface 17:4; 78:18; 81:7; 82:10; 105:17  
surrounding 11:16  
survival 37:14; 77:8, 13, 18; 78:19, 20; 154:6  
suspended 8:21  
sustain 110:22  
sweat 130:5  
swim 77:15  
swore 130:16  
sworn 4:4  
symptoms 124:11  
syrup 79:18

## T

table 53:18; 54:20, 21, 23  
talk 116:7; 128:19; 132:22; 142:7; 154:11  
talked 16:18; 132:17, 25;

144:22  
talking 39:5; 55:20; 57:10; 92:15, 16; 131:19; 144:4; 145:17; 152:8  
tank 21:14; 81:12, 20, 23; 82:7  
tax 97:19; 98:11, 13, 24; 99:4, 6, 9  
tea 129:12  
Tech 17:15, 19  
television 141:3, 25; 142:8, 12  
telling 7:6, 10; 20:6; 72:18; 131:20  
tells 40:19  
ten 8:24; 87:14  
tense 130:4  
terminated 103:12  
terms 59:14; 102:13; 109:22; 125:2; 127:21; 136:5; 138:22  
Terry 144:4, 8  
test 83:4; 84:3; 85:9; 154:7  
tested 83:19; 85:13, 16  
testified 4:4; 5:9  
testify 93:4, 8; 94:16  
testimony 5:16; 6:3; 51:10; 86:2, 15, 21; 94:13; 120:22  
Thanksgiving 29:21; 31:18  
therapist 114:8  
there're 117:23  
thereafter 148:11  
thinking 55:19; 96:17  
Third 104:2, 3  
third-degree 11:25  
Thirty 40:7, 8; 51:23  
Thirty-four 5:6  
Thirty-one 87:18  
though 5:12; 41:6  
thought 72:23; 73:4; 92:14; 130:18; 131:15  
thousand 97:11; 99:21; 100:22; 120:8  
three 4:17; 8:4; 9:3, 4, 5, 10, 15; 12:25; 21:2; 25:9; 28:6, 24; 29:15; 43:13; 48:13, 14; 51:12, 13, 15; 52:15; 58:18; 59:18, 19; 63:9; 71:7; 77:17; 93:11; 107:12; 117:15, 23, 25; 129:3, 4; 130:8; 137:3; 142:20; 147:5; 150:19, 20  
throwing 64:22  
times 8:2, 4; 11:6, 19; 16:19, 19, 20; 46:12; 63:6; 96:10, 13, 18, 21, 22; 115:10; 129:2, 3; 132:17; 142:3  
tired 134:25  
today 7:12; 13:8, 11, 14; 14:23; 17:8; 21:7; 83:11; 94:8, 13, 17; 98:6; 108:13,

14, 16; 132:21  
together 44:13; 101:11  
told 7:7, 10; 14:15; 26:13; 35:12; 40:25; 41:22; 42:4; 46:8; 72:21; 83:9, 12; 85:6; 91:17; 102:10; 114:17; 118:16, 17; 122:7; 131:15; 138:25; 146:18; 152:17  
took 12:21; 42:13, 43:19; 45:7, 9; 55:4; 57:2; 58:23; 60:14; 77:22; 79:13; 90:16; 104:3; 146:2  
top 59:3; 61:6; 66:8, 10; 70:25  
total 59:18; 98:7; 103:22, 24  
tough 122:9; 136:11  
toward 130:7  
traffic 139:22  
transcript 6:21, 22; 7:2; 13:20, 23; 119:15  
transcripts 14:3, 8; 17:11  
transiting 140:2  
transom 74:7  
traveling 145:6  
treated 115:20  
trial 5:9, 17; 7:3, 4; 9:10; 31:7, 9, 12, 13  
tried 64:12  
trigger 134:2  
trip 27:12, 15, 17, 24; 28:10, 11; 33:19; 35:5, 9; 36:7; 47:16, 19; 48:9; 50:4, 7, 10, 19, 22, 25; 51:7; 90:4, 6, 7, 14, 20, 23; 91:3; 99:16; 117:22; 132:19; 137:4, 5; 146:2, 4; 152:8, 16  
trips 25:12; 95:24; 117:23, 25; 118:8; 122:10; 150:16, 18, 20; 151:2; 152:2, 6, 12  
trouble 128:10, 24; 129:6  
truth 7:10, 11  
truthful 7:12  
try 6:13, 16, 17; 118:18; 119:24; 129:9  
trying 6:3; 76:18, 21; 78:24; 86:12; 119:11; 127:21; 141:16  
Tuesday 45:14  
turn 67:25  
turned 67:21; 68:2  
turns 79:13  
TV 141:3  
Twelve 106:24; 147:9; 148:21  
Twenty-four 27:19  
Twice 133:23; 150:5  
two 8:15, 23; 16:18; 19:11; 25:3, 9; 29:4; 39:3; 43:13; 44:18; 45:8, 20; 46:13, 17; 55:6; 57:2; 85:23, 24; 86:9; 88:8; 90:4;

95:18, 24, 25; 96:5, 9, 11, 22; 98:19; 118:9; 126:8; 127:5; 129:3; 138:5; 143:12, 16, 20; 146:6; 151:23; 152:6, 11, 13  
two-hour 55:16  
type 106:25; 107:13; 113:24; 114:10; 117:7; 118:23; 119:3; 125:3  
typed 39:17  
typed-up 39:12  
types 120:3  
typical 33:19

## U

Uncasville 4:3, 15; 32:20  
uncomfortable 145:20  
uncover 86:10  
under 5:13; 7:17, 20; 77:15; 101:4; 149:23  
understood 26:19; 131:17  
unemployed 23:19; 103:6, 13  
UNGER 102:3, 5; 109:21; 110:11; 144:10; 145:19; 154:8  
unless 5:22; 40:17, 19  
unload 21:14  
unloading 21:13  
untie 64:15, 17, 20, 25  
up 6:5, 7; 12:5; 18:24; 24:23; 39:17; 44:17; 48:21; 51:25; 55:2; 56:17; 59:3; 70:17, 23, 25; 71:8, 15, 18; 74:11; 75:3; 77:23; 80:11; 81:6; 85:5; 90:13; 91:2; 102:6; 103:19; 105:19; 108:16; 123:14; 125:4; 128:8; 129:5  
update 154:7  
upon 141:17  
use 35:22; 40:13; 60:21; 87:10; 140:13  
used 21:14; 25:15; 88:25; 89:14  
user 88:13  
using 35:18; 40:12; 60:17; 86:23; 87:6  
usually 129:14

## V

varies 91:16  
vehicle 20:23  
verbal 6:6  
verbiage 6:23  
verify 73:6  
vessel 15:10, 20; 22:21, 23; 33:14; 145:10  
vessels 28:16  
videos 122:23

visibility 60:3, 5  
vodka 148:24  
volunteer 41:11; 135:8

## W

W-a-y 105:8  
wages 111:3  
wait 6:12, 13; 10:22; 16:17  
wake 125:4; 129:5  
wandering 41:14  
Warm 129:12  
watch 34:20, 23; 35:2, 7; 145:24  
watches 34:18  
Watching 35:14; 61:23; 62:2, 10, 15; 63:11, 11; 64:6; 66:24  
water 52:13; 55:9; 69:17; 70:8; 77:18; 129:25; 130:2, 7; 136:13, 18  
wave 69:9, 13, 20  
way 14:24; 17:10; 33:15, 16, 20, 22; 36:11; 64:12; 66:19; 92:8, 9; 97:14, 15; 101:5; 103:12; 105:7; 117:14; 134:22; 140:6; 152:2, 3; 153:16, 24  
weather 49:20; 50:4; 60:2; 139:18  
web 123:12  
week 27:16; 33:21; 45:15; 96:10, 14, 18, 21, 22, 24; 97:4, 5, 6, 9, 12, 15, 17; 99:21, 24; 100:22; 117:16, 18, 20, 22, 24; 118:2, 5, 6, 8; 122:3; 129:2; 133:23; 149:6  
weekend 25:10, 11  
weekly 87:11  
weeks 25:12; 27:15; 85:23, 24; 86:9; 87:13, 20; 88:5, 7; 90:4; 106:24; 115:3, 5; 116:3, 4; 117:15; 125:15; 126:8; 130:8; 141:19; 149:3  
WEIGEL 4:8; 13:22; 19:24; 39:19; 40:14; 42:21; 70:13, 15; 82:13; 86:12; 89:6, 12; 93:2, 7, 12; 94:25; 99:3; 101:2, 12, 18, 22; 102:8, 10  
weird 136:17  
weren't 151:24  
West 12:10  
What's 24:12; 33:13; 40:5; 96:7, 16; 131:6; 153:7  
wheel 34:20; 62:25; 63:3, 5, 8; 64:11, 13; 68:9, 11, 21; 81:14  
white 70:19; 72:4; 73:15  
Whitfield 19:7  
Whiting 30:6

**BENJAMIN SCHOBBER**  
**March 29, 2007**

**MICHAEL STEPSKI v.**  
**THE M/V NORASIA ALYA**

whole 14:13; 80:10; 81:6;  
 82:6

whose 24:19; 135:11

width 58:24

wife 85:5; 104:9; 131:5;  
 146:9, 9, 18; 147:10

wife's 131:6

willing 94:8

winch 53:19; 56:2

Windham 9:8

wing 73:20, 21, 23

winter 136:3

wish 87:3

within 35:15; 115:3, 5;  
 145:9, 25; 146:6

without 87:24; 117:6;  
 144:20

witness 13:23; 33:12;  
 40:7; 110:15; 113:10;  
 132:10; 141:24

words 43:16; 60:6

work 18:14, 17, 21, 24;  
 19:10, 13, 16, 19, 25; 23:4,  
 20, 25; 28:23; 29:17, 18;  
 30:3, 13; 32:6, 16; 33:9;  
 34:13; 52:13; 55:23;  
 62:14; 89:20; 91:15;  
 95:17, 18, 21, 22, 25; 96:5,  
 9; 102:21; 119:24; 122:3;  
 134:7, 7; 140:20; 147:25;  
 148:4, 5; 149:21; 150:13

worked 20:25; 22:22;  
 27:25; 28:17, 19; 29:14;  
 30:7; 102:17; 133:3;  
 137:24; 149:12

working 18:20; 19:5;  
 20:16; 23:9, 13; 24:5, 9;  
 25:20; 28:14, 25; 29:2;  
 33:6; 47:25; 52:10, 16, 23;  
 53:2, 5; 56:2, 6, 7, 25;  
 57:4; 59:20; 60:3; 61:25;  
 62:6, 7, 8; 80:8, 12; 97:2;  
 103:7, 14; 105:5; 117:13;  
 118:21; 122:3; 135:3, 14;  
 150:6, 8, 9, 10

wrapped 81:25; 82:4

wreckage 16:25; 17:2;  
 78:23

write 6:10; 42:10; 94:21;  
 99:17

write-up 46:3

writing 39:5, 13

written 6:23; 42:10; 46:6;  
 109:9, 23; 132:11

wrong 7:7; 75:17

wrote 42:12; 43:23

## Y

Y 23:2, 3

Y-e-r-m-a-n 32:25;  
 152:19

yard 148:4, 5

year 8:7; 11:10, 13; 20:9;  
 32:18; 33:8; 96:20; 98:21;  
 101:13, 15; 102:14, 17;  
 103:16; 104:16; 113:10,  
 14, 14, 16; 115:15; 118:22;  
 136:7; 140:20; 142:24

years 4:17; 9:21; 19:11,  
 17; 21:3; 87:14, 19, 24;  
 103:3; 111:16, 17, 20;  
 112:4, 15, 19; 116:21

Yerman 32:23; 33:2, 7, 9;  
 152:17, 25; 153:4

yesterday 133:17

York 44:17

## Z

zero 60:5

## X

Xanax 125:13, 14, 16;  
 126:15, 24; 127:9; 128:13,  
 20; 147:18



Lawyer's Notes

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